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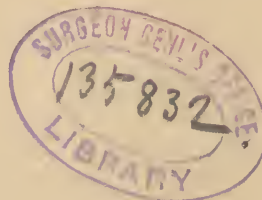
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In Lunacy.

Sombre, David Ochterlony Dyce

IN THE MATTER OF

DAVID OCHTERLONY DYCE SOMBRE,

A PERSON FOUND TO BE OF UNSOUND MIND.



[Lundon. 1857]

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In Lunacy.

IN THE MATTER OF
DAVID OCHTERLONY DYCE SOMBRE,

A PERSON FOUND TO BE OF UNSOUND MIND.

DOCUMENTS in Support of the COMMISSION submitted to DR. BABINGTON
and DR. JEAFFRESON, the Physicians appointed by the Order of the LORD
CHANCELLOR, dated the 7th May 1851, to examine MR. DYCE SOMBRE.

AFFIDAVIT of the Honourable MARY ANNE DYCE SOMBRE.

THE Honourable Mary Anne Dyce Sombre, now residing at the Clarendon Hotel, New Bond-street, in the county of Middlesex, the wife of the said David Ochterlony Dyce Sombre, maketh oath and saith,—That she is the daughter of the Right Honourable Viscount Saint Vincent. And this deponent saith, that she first became acquainted with the said David Ochterlony Dyce Sombre in London, in the year 1838, and she was married to the said David Ochterlony Dyce Sombre on the 26th of September 1840. And this deponent saith, that very shortly after the said marriage, she, this deponent, and her said Husband, went abroad with the intention of wintering in Italy, but this deponent was taken ill before reaching Brussels, and was laid up for eight weeks at that place, at the end of which time
10 the physician who attended this deponent having stated it was impossible for this deponent to continue the journey, he advised a speedy return to London. And this deponent saith, that nothing could exceed the kindness and affection of the said David Ochterlony Dyce Sombre while at Brussels; He was anxious that this deponent should see any person who he thought would give her pleasure, and was constantly of himself asking various persons to call upon this deponent. And this deponent saith, that she and her said Husband returned to London in December 1840, and had constant and varied society, large dinners, and parties to the theatre, &c. with the full approval of the said David Ochterlony Dyce Sombre, who was most careful and attentive about this deponent, and treated her with what might be called jealous affection; He used to say, “No great love could exist without jealousy;” He was reserved in
20 company, but courteous and attentive to his guests, and possessed the manner of a person perfectly accustomed to society. And this deponent saith, the said David Ochterlony

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.
Sworn 25th
June 1844.

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the Hon.
Mary Anne
Dyce Sombre.

Dyce Sombre often left this deponent alone in the company of both gentlemen and ladies: and this deponent used to go out in the carriage alone, the said David Ochterlony Dyce Sombre merely desired to be informed of the names of the persons this deponent used to visit; he had a general list written out, which comprised all her acquaintance; and before her drive she always, at his wish, told him where she was going to; and this deponent daily paid visits alone. And this deponent saith the bodily health of the said David Ochterlony Dyce Sombre was not very good, particularly as to his digestion, and he was very careless and inattentive about it; but this deponent perceived no indications of unsoundness of mind until the month of April 1841. And this deponent saith she was then still in very delicate health, and Sir Charles Clarke, who then attended this deponent, 10 thought change of air might be of use, and accordingly this deponent and the said David Ochterlony Dyce Sombre left town for the Duke of Wellington's, at Strathfieldsaye, intending to proceed afterwards on a visit to this deponent's Father, in Staffordshire. And this deponent saith that in the carriage this deponent wanted to refer to the book of Peerage, and was looking for it, when the said David Ochterlony Dyce Sombre asked her what she wanted, and when this deponent told him he said " Oh, I went into Bond-street, and stood with it in my hand, and held it to the passers by; they looked at me, but it was some time before any one took it, at last somebody did: " and this deponent believes he did what he said he had done, and in consequence sent for another copy. And this deponent saith this 20 circumstance was so unlike anything she had observed in the said David Ochterlony Dyce Sombre before that it caused her great anxiety at the time, and she began to think his mind was affected: but this deponent saith the said David Ochterlony Dyce Sombre appeared quite well at the Duke of Wellington's, and also at this deponent's Father's, at Meaford. And this deponent saith that in May 1841 this deponent and her said Husband went to Donington Park, to the late Marquis of Hastings, and the said David Ochterlony Dyce Sombre appeared to her not well, and out of spirits and moody there; and on the day of departure from thence Lady Hastings came to this deponent's room, and said that the said David Ochterlony Dyce Sombre had had a private conversation with her, in which he stated this deponent was a person of improper character both before and since her marriage. And this deponent saith she was greatly alarmed and distressed, and expressed her apprehensions to Lady Hastings 30 that he was becoming insane, and begging her at the same time to endeavour in every way to disabuse his mind of such an idea; and on returning to her said Father's the said David Ochterlony Dyce Sombre's manner, which had thitherto been kind and attentive to this deponent's Parents, changed towards them; He became sullen and discontented; at times irritable, dissatisfied with everything, and sometimes with this deponent, though at others full of affection and fondness to her. And this deponent saith that at Meaford, about the beginning of June, during dinner, the said David Ochterlony Dyce Sombre appeared to have something weighing heavily on his mind, and after the servants had quitted the room he said, in the presence of this deponent's Father, Mother, and Brother, that he thought it right to state that he had named to Lady Hastings that this deponent was a person of improper and 40 incorrect character, and he now added that this deponent's Father and Mother aided and abetted this deponent's wickedness. And this deponent saith, that thereupon a quarrel ensued

between this deponent's Father and Brother and the said David Ochterlony Dyce Sombre, and the latter did not make his appearance in their presence for two or three days. And this deponent saith that on the same evening this deponent went to him in his dressing-room; He was very low, and said, "You are always my pet," and appeared as fond of this deponent as ever. And this deponent saith, she believes it was two days after that her Father wrote out a paper for the said David Ochterlony Dyce Sombre to sign, in the words and figures following (that is to say), "Upon the fullest and most calm reflection I voluntarily disclaim, without qualification or mental reservation, every idea of casting any imputation whatever upon the virtue, modesty, and character of my beloved wife, whether in relation to her con-

10 duct before marriage or in relation to her conduct since her marriage; I also disavow all belief in every observation or insinuation which may have been made at any time to me by any one to her prejudice, and cannot ascribe any good motive or justifiable ground for it; I also disclaim every imputation on the character or honour of Lord St. Vincent, for indifference at any time to the conduct of his virtuous and amiable daughter. Given under my hand, at Meaford, June 7th, 1841." And this deponent took the said paper to the said David Ochterlony Dyce Sombre in his dressing-room: and this deponent told him it was due to her that he should sign his name to it, and that she could not live with him after so false an assertion if he did not sign it; whereupon, with great reluctance, he did so. And this deponent saith, that on their return to town the said David Ochterlony Dyce Sombre

20 was very irritable and excitable, and this deponent was very uncomfortable about him, believing him to be insane: and this deponent recollects Lady Hastings, as well as herself, being greatly alarmed at the unnatural noises the said David Ochterlony Dyce Sombre was making in the room near to where she and this deponent were sitting; He was very unwell then, and sent for Sir Charles Clarke, who unfortunately was leaving London; and the said David Ochterlony Dyce Sombre considered that his not coming was meant as an insult. And this deponent saith, she called upon the said Sir Charles Clarke just as he was leaving town, and told him what the said David Ochterlony Dyce Sombre said of her, and her apprehensions about him. And this deponent saith, she found it difficult at this time to please the said David Ochterlony Dyce Sombre: and this deponent

30 remembers one evening at a small party the said David Ochterlony Dyce Sombre was much annoyed at this deponent sitting in one place the whole evening between two ladies of great respectability. And this deponent saith, the said David Ochterlony Dyce Sombre went to Sudbury, in the county of Suffolk, to the best of this deponent's recollection, in the beginning of July; and before he started, this deponent went out of town to Sir Francis Burdett's, near Hampton Court, and remained there a few days; soon after this, deponent and her said Husband went to Worthing for a short time, at which place the said David Ochterlony Dyce Sombre was extremely violent in his language to this deponent at various times. And this deponent saith, that after she and the said David Ochterlony Dyce Sombre left Worthing, they came to London, and he appeared to be

40 better, and they went out to several places, including those after-mentioned, and after their return in the evening the said David Ochterlony Dyce Sombre invariably expressed himself much pleased with this deponent. And this deponent saith that in the month of July 1841

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.

she was with her said Husband at a large dinner party at the house of Mr. Quintin Dick, on which occasion the said David Ochterlony Dyce Sombre desired this deponent to invite whoever she pleased of the company to join them on a subsequent day at their box in Covent Garden Theatre, where they were in the habit of having supper between the acts of the performance: and this deponent invited several of them accordingly. And this deponent saith that amongst the persons so invited were Sir Willoughby Cotton, who had some acquaintance with the said David Ochterlony Dyce Sombre, and Mr. Alfred Montgomery, late Private Secretary to the Marquis of Wellesley, and with whom this deponent had a very slight acquaintance, from sometimes meeting him in society, and whom she requested to bring with him his sister, Miss Montgomery, a young lady to whom this deponent had been introduced 10 before her marriage. And this deponent saith, that the said Sir Willoughby Cotton, Mr. and Miss Montgomery, with others, came on the said invitation. And this deponent saith that nothing passed between this deponent and the said Alfred Montgomery but the most common civility. And this deponent saith that the said David Ochterlony Dyce Sombre was at the time much pleased, and praised her for her conduct throughout the evening. And this deponent saith that about the same time she, this deponent, with her said Husband dined at Captain Rous', on which occasion some slight obstruction had occurred from an opening made in the pavement for the gas-pipes or sewers, which on a subsequent occasion appeared to have made a remarkable impression on the mind of the said David Ochterlony Dyce Sombre, though not particularly noticed at the time it took place. And this deponent saith, that the said Alfred 20 Montgomery was not even, as this deponent believes, at that time acquainted with Captain and Mrs. Rous, and was not present at the said dinner at Captain Rous', nor was he expected or invited there, according to the best of this deponent's knowledge, recollection, and belief, although a long time afterwards it was imagined by the said David Ochterlony Dyce Sombre that he was present, as hereinafter stated. And this deponent saith, that in the middle of August 1841 she, this deponent, and her said Husband went abroad, and travelled through Belgium and Holland to Berlin, and the said David Ochterlony Dyce Sombre appeared to enjoy his journey very much, to be well and happy, and was very kind and affectionate to this deponent. And this deponent saith, that shortly before arriving at Berlin, to her great horror, the said David Ochterlony Dyce Sombre suddenly exclaimed to this 30 deponent, "Mary Anne, I feel I am going mad; I shall die in a madhouse; it is in my family; I know it must be; don't you see the symptoms of it?" or used words to that effect. And this deponent saith, that at Berlin the said David Ochterlony Dyce Sombre was very bad indeed, and would sit or walk about the room for hour after hour while the dinner was waiting or the carriage at the door, accusing this deponent in the grossest terms of having defiled herself with the Waiters at the Inns, and her own Servants, Tradesmen and others; he said she had been an Opera Dancer, and that her Father and Mother knew it, and profited by it, and admired her for her cleverness in keeping a respectable appearance; and the said David Ochterlony Dyce Sombre then urged her to confess, and called on this deponent's Maid to hear what he said. And this deponent saith 40 that when these paroxysms were past, the said David Ochterlony Dyce Sombre wept bitterly, and intreated her forgiveness for his insulting conduct, and promised amendment; and the like

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scenes occurred frequently. And this deponent saith that whilst at Berlin she, this deponent, urged the said David Ochterlony Dyce Sombre to take medical advice, but he said he would not till he got to Paris. And this deponent saith that she afterwards proceeded with her said husband to Aix la Chapelle. And this deponent saith that during the journey the said David Ochterlony Dyce Sombre appeared to be suffering much, both in body and mind, and his conduct was quite opposed to what it had been previously; as, for instance, supposing it settled to leave any place at a certain hour, he would begin to tease this deponent about some impropriety of conduct, and continue the same for hours together, while the carriage was waiting: At Dresden once, and this deponent believes twice, when they had taken a box

10 at the Opera, the said David Ochterlony Dyce Sombre deferred setting out whilst he was rating this deponent, so that they did not arrive until the performance was nearly concluded. And this deponent saith, that frequently at different places, if asked to ring the bell he would refuse to do so; if deponent got up, he would get up and say, "Do you think I will allow you to ring the bell?" if this deponent sat down he sat down, and would go on for an immense time in this manner, which was totally different to his former behaviour. And this deponent saith, that up to the time of reaching Aix la Chapelle, the said David Ochterlony Dyce Sombre had not mentioned any particular man as the object of his suspicions, but at Aix la Chapelle he suddenly exclaimed, "I have hit on the man; it is either the Duke of Wellington or Mr. Montgomery;" and he continued

20 for an hour upbraiding her, this deponent, with her infidelity, and insisting upon her naming either the Duke or Mr. Montgomery, and said he would fight either, he did not care which it was, to show his love for her. And this deponent saith, that after leaving Aix la Chapelle this deponent and her said husband went to Paris by Brussels, during which journey from Brussels to Paris the conduct of the said David Ochterlony Dyce Sombre was terrible; and when they arrived at Paris about the end of November, where the said David Ochterlony Dyce Sombre had previously declared his intention to winter, they drove to the Hotel de l'Europe to look at some apartments; on entering which the said David Ochterlony Dyce Sombre flung himself into a chair, and began taxing this deponent again with impropriety of conduct, and desired this deponent to make no arrangement about the

30 apartments, as they should leave Paris immediately: and this deponent believes the Master of the Hotel and the Servants were kept waiting upwards of an hour while this was going on. And this deponent saith that the said David Ochterlony Dyce Sombre did not allow this deponent to drive out by herself in Paris, but always accompanied her himself, and objected to her going out much even in the Morning, and then accompanied: and this deponent did not go out at all in the Evening, and the said David Ochterlony Dyce Sombre did not wish this deponent to see any of her friends there. And this deponent saith she, this deponent, and her said Husband, having dined one day at a Restaurant's in the Palais Royal, and walked also through the Rue de Richelieu two days after, He said he saw this deponent had appointed some one to meet her at both Places. And this deponent saith that

40 her said Husband insisted that she had intrigues and correspondence with the Duc de Nemours, and that he would take her to England. And this deponent saith that her said Husband told her at Paris that some one had opened his Box of papers at the

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Affidavit of
the Hon.
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Clarendon Hotel, and desired his valet to get a passport immediately and go off to London and take a letter to Dr. Drever, an old friend of his in London, having settled to go himself in two or three days; but this deponent was able to persuade him to write to Dr. Drever by post instead of sending the servant, which this deponent did, being satisfied it was a fancy about the Box. And this deponent saith, that during the week she and her said husband were at Paris his conduct was the same as it had been since he left Berlin, but in an increased degree, rating this deponent for hours together, and then relapsing into an abstracted moody state. And this deponent saith, on this deponent's and her said Husband's return to London in December, he was bent upon fighting Mr. Montgomery : and this deponent believes the said David Ochterlony Dyce Sombre called 10 at Lord Wellesley's, where Mr. Montgomery resided, for the purpose of obtaining a meeting with him. And this deponent saith the said David Ochterlony Dyce Sombre no longer allowed this deponent to go in the carriage without him; she, this deponent, was restricted to seeing very few of her friends, and to the most part of them the said David Ochterlony Dyce Sombre was unkind and uncivil, so that it rendered it so painful to this deponent that she thought it best to give up entirely the pleasure of their society, and she accordingly scarcely saw any one. And this deponent saith that her said Husband, notwithstanding his said jealousy, appeared and was, as this deponent verily believes, devotedly attached to her. And this deponent saith, that being herself most sincerely attached to him, she never did give him any just cause for such ill thoughts concerning her, and did, as far as circumstances 20 would permit, regulate her conduct according to his wishes, and in such a way as to give him assurance of her fidelity and attachment, and did endeavour to bear his vexatious treatment with all the submission and forbearance she could command, and did at all times, as far as circumstances would permit, avoid giving him occasion for uneasiness, endeavouring sometimes to dispel his suspicions by cheerful raillery, and at other times to reason with him on the subject, and to prevail on him to make specific charges, in order that she, this deponent, might have the opportunity of disproving them: but this deponent saith that after a time all attempts at raillery or reasoning served only to irritate the said David Ochterlony Dyce Sombre. 2 And this deponent saith it usually happened that after a continuance of this unhappy state of things for some time, the said David Ochterlony 30 Dyce Sombre would regain his tranquillity for some weeks, after which he would have a relapse, and the attacks appeared to become more violent and continuous. And this deponent saith, her mother was extremely ill in Staffordshire, and was most anxious to see this deponent: and this deponent had the greatest difficulty in being allowed to go to her for one week; the said David Ochterlony Dyce Sombre accompanied this deponent to Stafford, where this deponent's Father, Lord St. Vincent, met her. And this deponent saith that the said David Ochterlony Dyce Sombre, on meeting her said Father, said only, shaking his fist, "I have found out the man." And this deponent saith, on her return to town, the said David Ochterlony Dyce Sombre was worse; he never mentioned this deponent's Father's name but to abuse him; he called this deponent by the most horrible 40 names and curses; at church, where he accompanied this deponent, he used to be so restless that this deponent feared every one's attention would be called to him; if this deponent asked

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him to remain still, he would say he would leave this deponent, and would then appear to be going out of the pew, repeating all the time he would leave this deponent, but still not doing so; it was so distressing, that for some time this deponent thought it would be better to give up going to church. And this deponent saith, when this deponent drove out with him in his Cabriolet, and whilst driving, unpleasant thoughts would come across the said David Ochterlony Dyce Sombre; he would begin accusing this deponent in the Cab, and get excited till he whipped the horse, which was very spirited, into a gallop, and put himself and this deponent in great peril. And this deponent saith, in the evening, he the said David Ochterlony Dyce Sombre, would frequently say, "Mrs. Dyce Sombre, may I go
10 to bed?" and repeat it over and over again; if this deponent said, "It was early," he would say, "But I am tired:" if this deponent asked him to go, he would be terribly excited, and say, "Do you think I would leave you;" this would go on for a long time together, from one to two hours. The money which, by the said David Ochterlony Dyce Sombre's sanction, had been settled upon this deponent by this deponent's Father, he objected to this deponent's receiving, but, having no power to prevent this, deponent's Father, to oblige him, paid it from March 1842 into his, her said Husband's, Banker's hands, instead of, as heretofore, into the hands of this deponent's Bankers, where it lay dead, as this deponent forbore to touch it, in order to please him, and this deponent was therefore without money, which was what the said David Ochterlony Dyce Sombre wished, as he said this deponent would buy lovers if she
20 had it; the said David Ochterlony Dyce Sombre was at the same time unbounded in his generosity to this deponent, in buying every thing this deponent fancied. And this deponent saith that she this deponent used her utmost endeavours to prevent her Father from coming to town, or if he did so, from coming into contact with her said Husband, as he had now conceived the greatest detestation of her said Father, which was aggravated by her said Father refusing, in or about the month of January 1842, to act as second to the said David Ochterlony Dyce Sombre in his projected duel with Mr. Montgomery; and by a fancy of her said Husband's, that her Father kept his Nephew, Captain Carnegie, out of the way, in order that he might not act in that capacity. And this deponent saith it was evidently extremely dangerous for this deponent's Father and the said David Ochterlony Dyce Sombre
30 to be in the same room together, for the said David Ochterlony Dyce Sombre could not contain or restrain his violence, and he used frightful language and threats to him; his countenance expressed the most passionate anger, and he appeared several times on the point of striking this deponent's Father. And this deponent saith, one day at dinner, in the presence of Miss Otway, the said David Ochterlony Dyce Sombre suddenly started up, and said he could not sit at dinner with this deponent's Father, and, in the most violent manner, he left the room. And this deponent saith that notwithstanding this continued persecution, the said David Ochterlony Dyce Sombre at times showed this deponent the most unbounded love and affection, and the utmost confidence in every thing but what related to her own personal conduct; it was impossible to show more unbounded love and
40 affection than he did when not under the influence of his delusions; he was constantly bringing this deponent some token of his affection, and, to use his own expression, this deponent had only to express a wish to have it obeyed; and that he cared for no one in the

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.

world but this deponent. And this deponent saith it was during the journey of this deponent and her said Husband abroad, towards the close of 1841, and during the spring of 1842, that the said David Ochterlony Dyce Sombre referred to various places they had been at in the summer of 1841, and reproached this deponent for the first time with alleged misconduct at them. And this deponent saith the said David Ochterlony Dyce Sombre alleged at various times that the improper intimacy between this deponent and Mr. Montgomery had taken place at the theatre, on the evening abovementioned, and at Captain Rous' dinner party, where the said Mr. Montgomery, as above mentioned, was not present. And this deponent saith the said David Ochterlony Dyce Sombre threatened to throw a pearl necklace he had given her, this deponent, into the fire, because he alleged that Mr. Montgomery was present the first day this deponent wore it, namely, at Captain Rous' dinner; and on account of his supposition of an improper occurrence at the said dinner, the said David Ochterlony Dyce Sombre did not allow this deponent to associate with Captain and Mrs. Rous, or with Mr. and Lady Louisa de Horsey, who were not present at Captain Rous'. And this deponent saith the said David Ochterlony Dyce Sombre, as she has been informed and believes, asked several persons to be his second in the duel he wished to fight with Mr. Montgomery, but they refused. And this deponent saith the said David Ochterlony Dyce Sombre consulted Lord Marcus Hill about this deponent's conduct, and at the end of January their mutual trustees and Lord Marcus Hill and Sir Francis Burdett were asked to attend and hear the charges her said Husband was to bring against this deponent, and to decide if there were grounds for them or not; and a meeting was held accordingly on the 31st of January 1842, at the Clarendon Hotel, at which Lord Marcus Hill, the present Earl of Lonsdale, then Lord Lowther, Sir Francis Burdett, Lord Combermere, Mr. Fitzherbert, Viscount St. Vincent, Mr. Edward Swynfen Jervis (this deponent's Brother), Mr. Thomas Hawe Parker (this deponent's Uncle), Dr. Locock, the physician who had attended this deponent, and the said Dr. Drever were present, and that deponent has been informed and believes that at such meeting the said David Ochterlony Dyce Sombre told wandering stories about this deponent's misconduct before her marriage and her subsequent infidelity with Mr. Montgomery and others; and that when questioned what led him to believe these stories, he said this deponent had confessed her guilt generally by wearing her hair in a particular manner, and this deponent's guilt with Mr. Montgomery by asking the said David Ochterlony Dyce Sombre to take wine with this deponent eight weeks before in Paris, when he was in the act of charging this deponent with misconduct with Mr. Montgomery: the reason of this deponent's asking him to take wine was, that this deponent had found reasoning useless, and did not wish the servants to hear what he was saying, and that he complained that a seat had been kept for Mr. Montgomery at Captain Rous' dinner, and that he the said Mr. Montgomery had been concealed in the house, and that a place had been opened in the pavement to injure him the said David Ochterlony Dyce Sombre. And this deponent saith that a paper was signed by the parties present, except Lord St. Vincent and Dr. Locock (which last was only there in order to give evidence, after which, by the desire of the said David Ochterlony Dyce Sombre, he retired), at the said meeting expressive of their unanimous conviction and entire satisfaction that there was no foundation whatever for the accusations or suspicions enter-

*what D.S. confessed
her confessions*

tained by the said David Ochterlony Dyce Sombre. And this deponent saith that when the meeting was over the said David Ochterlony Dyce Sombre came to this deponent in the most affectionate manner, and said, after kissing this deponent, how delighted it made him that this deponent had so many friends to uphold her, and that notwithstanding all this deponent had done, she was always his darling Pet. And this deponent saith that Lord Marcus Hill at various times most kindly spent hours in endeavouring to disabuse the said David Ochterlony Dyce Sombre's mind of these delusions, but in vain. And this deponent saith the said David Ochterlony Dyce Sombre continuing without amendment, she then persuaded him to have medical advice, and Dr. Chambers attended him for a long time in the months of 10 February and March 1842. And this deponent saith that the said David Ochterlony Dyce Sombre rarely would allow this deponent to be out of his sight, and would sometimes go out of the Clarendon Hotel, where they then were, by the usual entrance from Bond-street, saying he should be out for an hour, and then return suddenly in a few minutes by the Albemarle-street entrance, apparently in expectation of surprising this deponent in the commission of some offence. And this deponent saith that she was informed by the said David Ochterlony Dyce Sombre that he had, about this time, stopped Mr. Montgomery in the streets; and the day following the said David Ochterlony Dyce Sombre drove this deponent out in his cab, and was in a great state of alarm for fear of being arrested, and having observed, on starting, 20 out for him, and called one of them to ask him. And this deponent saith that on that day the said David Ochterlony Dyce Sombre drove the horse until it was quite exhausted, so that they were obliged to walk home. And this deponent saith that Dr. Chambers, after the occurrence of the said David Ochterlony Dyce Sombre stopping Mr. Montgomery in the cab, desired, on account of the responsibility of the case, that he might have further advice from a Physician skilled in nervous disorders, considering the case too serious for himself alone; Dr. Seymour was applied to, but this deponent understood he did not wish to undertake it on account of its responsibility; and Dr. Sutherland was sent for, and he saw the said David Ochterlony Dyce Sombre once only, and he hoped the delusions might pass away if his bodily health was attended to, and he had change of air and scene. And this 30 deponent saith about May, 1842, Dr. Jones, who was considered clever in nervous disorders, was substituted for Dr. Chambers, and he considered the said David Ochterlony Dyce Sombre insane, but hoped he still might with care and attention recover, and the said David Ochterlony Dyce Sombre did get better about the beginning of August 1842. And this deponent thinks it material to name that several circumstances had fretted the said David Ochterlony Dyce Sombre; in the early part of this year 1842, he had lost his seat in Parliament; his claim against the East India Company had been rejected; and above all, he had no employment to occupy his mind and thoughts. And this deponent saith that in the middle of August 1842 they agreed to leave town for Dover, and when the carriages were at the door for their departure, General Ventura, a very old friend of the 40 said David Ochterlony Dyce Sombre, arrived with his daughter at the Clarendon Hotel. And this deponent saith that the said David Ochterlony Dyce Sombre was delighted to see General Ventura, and immediately took this deponent to him and introduced her, and after

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Dr Chambers
- Seymour
- Sutherland.
Consulted &
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mad -
Dr Jones / alone?
called ~~the~~ D. S.
insane
in May 1842

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a short time she and her said husband proceeded on their journey. And this deponent saith that at Dover the said David Ochterlony Dyce Sombre was very well, and enjoyed himself extremely in rational exercise and social amusements, and his delusions were so abated that he left this deponent at Dover whilst he himself went up to Town to visit the said General Ventura. And this deponent saith that after staying at Dover about a fortnight they returned to Town, where the said David Ochterlony Dyce Sombre's happy state of mind continued, and he greatly enjoyed the company of his friend General Ventura, and after staying in town four days he accompanied this deponent to Stafford, on the way to her Father's at Meaford, and allowed her to go in the carriage alone from the Station the remainder of the way. And this deponent saith that she is informed and believes that the said David Ochterlony Dyce Sombre returned to London to the Clarendon Hotel, where he had left his friend General Ventura, and that two or three days after he intended to accompany his friend General Ventura as far as Dover on his return to Paris, but the said David Ochterlony Dyce Sombre being called by his servant on the morning of their departure did not choose to get up, and the said General Ventura having quitted London, the said David Ochterlony Dyce Sombre shortly after rejoined this deponent at Meaford, and in company with this deponent's Cousin, Miss Parker, and another female companion, they visited the Lakes and Edinburgh: there they stayed till the 5th or 6th October. And this deponent saith the said David Ochterlony Dyce Sombre continued well till the day of leaving Edinburgh, when he did not appear so well; he became gradually worse, with the usual symptoms of moodiness and irritability, and full of the usual fancies about this deponent's guilt, till he arrived at Inverary, where, in the newspaper, he read the marriage of Mr. Montgomery, and on that evening he asked this deponent if she was not wretched that this deponent's dear Alfred was married, and numberless questions of this sort. And this deponent saith the next day the said David Ochterlony Dyce Sombre insisted to this deponent that Mr. and Mrs. Montgomery were dining at the Duke of Argyle's, as well as this deponent and the said David Ochterlony Dyce Sombre; and the following day the Duke had made preparations for deer shooting to amuse the said David Ochterlony Dyce Sombre, but he would not go; and he said the offer of the Duchess to give this deponent some stags' horns was shameful, and if she did he would insult her. And this deponent saith that cannon were fired from the top of a hill near the house, to raise the echo, and the said David Ochterlony Dyce Sombre insisted to this deponent they were fired in honour of Mr. Montgomery's marriage. And this deponent saith they went from Inverary to Teignmouth Castle, Lord Breadalbane's, and thence to Inverness, and during the journey the said David Ochterlony Dyce Sombre was terrible; he then taxed deponent with improper conduct with his old friend General Ventura, who, he said, went to her Father's in the country the same day she, this deponent, did, before this deponent and her said Husband's journey to Scotland, although the said David Ochterlony Dyce Sombre himself took this deponent as far as the nearest station to this deponent's Father's, and himself saw this deponent deposited in the carriage, to finish the journey, and then returned to Town to the same hotel where General Ventura then was, and he remained there till the General left London for Paris. And this deponent saith the said David Ochterlony Dyce

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Sombre desired this deponent not to wear a bracelet he had himself given this deponent, but which, he asserted, was given to this deponent by General Ventura. And this deponent saith that sometimes, after travelling all day, when they arrived at the Inns in the evening, the said David Ochterlony Dyce Sombre would touch nothing, because, he said, things were put into his food to injure him; he would often ask leave to go to bed all the time they were at dinner, but would not go, and he was very violent at times. And this deponent saith that, at Inverness, Dr. Fraser was consulted, and he told this deponent that the said David Ochterlony Dyce Sombre had said things were put into his food, and he told him of his misery on account of this deponent's ill conduct. And this deponent saith that in
10 walking at Inverness one day they met an old friend of the said David Ochterlony Dyce Sombre's, a Mr. Fraser, since dead, whom the said David Ochterlony Dyce Sombre had known in India, and for whom he had formerly entertained the greatest respect. And this deponent saith that the said David Ochterlony Dyce Sombre scarcely spoke to the said Mr. Fraser, and the moment he left them her said Husband taxed this deponent with impropriety of conduct with him; and her said Husband told this deponent he should send off a letter to him to desire him to call upon them the next day, Sunday, upon important business, and that the proof whether this deponent's guilt had been before or since marriage would be seen by whether the said Mr. Fraser came before or after Church. And this deponent saith such letter was sent off accordingly by a messenger on horseback to Mr. Fraser's place,
20 about eight miles off, and the next day, after Church, Mr. Fraser called; he had previously, as this deponent believes, been informed of the said David Ochterlony Dyce Sombre's state by Dr. Fraser. And this deponent saith she talked to Mr. Fraser, and the said David Ochterlony Dyce Sombre sat by watching, and said not a word, and, after some time, Mr. Fraser left, when the said David Ochterlony Dyce Sombre waved with his hand the way to the staircase, and came back and said he was quite satisfied that the guilt had happened after marriage, and that having insulted Mr. Fraser, as he said, by showing him down stairs, if he was a gentleman he would call him out. And this deponent saith the said Dr. Fraser advised this deponent that the said David Ochterlony Dyce Sombre was insane, and recommended this deponent to go to town with him as fast as she could, as, he said, it
30 was a most responsible case. And this deponent saith, that, at Inverness, the said David Ochterlony Dyce Sombre questioned this deponent's maid whether General Ventura had not been with this deponent when last at Meaford, although the said David Ochterlony Dyce Sombre had been with the said General Ventura all the while he was in London, and knew he had left town with his family to go abroad. And this deponent saith that the said David Ochterlony Dyce Sombre, at Inverness, told this deponent he had written a letter to General Ventura, which he had transmitted to Messrs. Frere, Forster and Company, in London, with directions to send it by a special messenger to the General at Paris, and to follow him to Marseilles, Alexandria, or India, which letter this deponent believes to have contained a challenge, on account of the said General Ventura's alleged intimacy with this
40 deponent. And this deponent saith that, being in great fear, she wrote from Inverness to her friend Lord Marcus Hill, who was then at Mr. Ferguson's at Pitfour, to meet her at Banff, but Mr. Ferguson hearing that they were at Inverness pressed them to visit

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Pitfour, which invitation was accepted. And this deponent saith that at Pitfour the said David Ochterlony Dyce Sombre was very ill, and while going down to dinner called out that a gentleman of the company, Sir James Bannerman, an elderly man, had insulted him; and when an endeavour was made to turn the conversation by talking of sporting, he said, in a manner and tone which would leave no doubt of his meaning, "that he hoped soon to have something better to shoot at than partridges." And this deponent saith that no endeavour to amuse or please the said David Ochterlony Dyce Sombre being of avail, she, this deponent, made the best of her way to Town. And this deponent saith, that after leaving Pitfour, at Aberdeen, the said David Ochterlony Dyce Sombre was extremely violent with this deponent. And this deponent saith, that at the Queen's Ferry they could not all pass in the boat at once, and 10 the said David Ochterlony Dyce Sombre stayed with this deponent; and some time afterwards the said David Ochterlony Dyce Sombre insisted that she had sent her maid to an inn there to get Sir David Ochterlony, whom this deponent had never seen but once, to meet her said maid at the inn. And this deponent saith that at Howick the said David Ochterlony Dyce Sombre threw this deponent twice off her chair, and this deponent was only saved from falling by her maid. And this deponent then became so greatly alarmed that this deponent wrote to beg the mistress of the Clarendon Hotel to have an alarm bell put up in her bed-room and the bolts taken off from the doors. At Carlisle these dreadful scenes were repeated, and it is impossible to convey any idea, and no one who did not witness them could have any idea of what it was. And this deponent saith, they passed close to this 20 deponent's Father's, in Staffordshire, but the said David Ochterlony Dyce Sombre would not allow this deponent's stopping to see her Parents. And this deponent saith, at Birmingham the said David Ochterlony Dyce Sombre was again most violent, and remained on the step of the carriage rating this deponent while the train was moving off, to his imminent danger; he would not get into the carriage for some time. And this deponent saith, when this deponent and her said Husband arrived in London every one was shocked at the alteration in his appearance and manner. And this deponent saith she sent for Dr. Chambers, who saw him the next day, and he expressed his alarm, and brought Dr. Sutherland the following day, the 16th November 1842, and they both attended for a considerable time from this date. And this deponent saith that shortly after his arrival in Town the said David Ochterlony Dyce 30 Sombre wrote again to challenge Mr. Montgomery, and he sent a letter to Colonel Wyndham to forward immediately, Mr. Montgomery being abroad. And this deponent saith, Dr. Chambers, at this deponent's earnest request, wrote to Colonel Wyndham to beg he would take no serious notice of the said David Ochterlony Dyce Sombre's conduct, and he received for answer, as Dr. Chambers told this deponent, that had it not been for the said Dr. Chambers' letter and request that he, Colonel Wyndham, would have immediately had the said David Ochterlony Dyce Sombre put under arrest. And this deponent saith the said David Ochterlony Dyce Sombre wrote twice to Sir Henry Willoughby, with whom he had been acquainted but one day, and who was in Scotland, to act as his Second in this projected duel; he also eventually wrote again to General Ventura, in India, as he told this deponent, 40 to challenge him, but this letter was not, as this deponent believes, sent. And this deponent saith, the said David Ochterlony Dyce Sombre was now become so suspicious that he scarcely

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left this deponent for ten minutes together in the day ; he remained in the room till this deponent was dressed in the morning, and before leaving the said room regularly called this deponent to him and asked by what rule she, this deponent, intended to go by during the day, whether by the Unity, or the Trinity, or the Four Friends ; and upon this deponent's choosing one, he placed her fingers in some particular manner, and then told this deponent that she was to do the same when next they met, and if she, this deponent, did not do it exactly, he should know she had been guilty ; and this deponent was in the greatest alarm for fear of not remembering to do it exactly as he told her. And this deponent saith the said David Ochterlony Dyce Sombre took fancies about this deponent's pocket-handkerchiefs,
10 and several times took them away from her and locked them up, and if this deponent moved her hands or feet he said she had been guilty, and he did things to convince himself which cannot be named ; and this deponent was afraid to put on any article of clothing that was new, on account of the said David Ochterlony Dyce Sombre's suspicion. The ornaments he had given this deponent she was afraid to wear for the same reason. When the said David Ochterlony Dyce Sombre went into his dressing-room he expected this deponent to go at intervals to him while he was dressing, to show herself ; he would frequently rush into the room while this deponent was at breakfast with nothing on but his shirt, to see if this deponent was safe. And this deponent saith that from the 15th November to the 30th March, when the said David Ochterlony
20 Dyce Sombre was placed under restraint, this deponent never went out in the carriage alone, and not more than half a dozen times, without her said Husband, and then always in company with her Cousin, Miss Parker, and the said David Ochterlony Dyce Sombre limited their drives to one hour ; and twice it happened that this deponent was a few minutes after the time, and the said David Ochterlony Dyce Sombre locked her and the said Miss Parker out, and the last of these times he came up to Miss Parker's bed room, where this deponent was, and was very violent. And this deponent saith the said David Ochterlony Dyce Sombre allowed this deponent to go to Afternoon Church with Miss Parker, but he used to watch them in by waiting at the corner of the street until the carriage drove up, and was almost always at home to receive them, or, if not, he came in immediately after. And this deponent
30 always found him very unsettled on these occasions ; he said he had been lost without this deponent. And this deponent saith it was during the time she and the said Miss Parker were at Church that the visit to Dr. Elliotson, detailed further on, occurred, and this deponent was obliged to keep almost every body, both of relatives and friends, away ; and not more than half a dozen people did this deponent admit ; it was impossible to do so, in fact ; some of this deponent's oldest friends would not come ; the ladies were alarmed, and the gentlemen said they were afraid the said David Ochterlony Dyce Sombre might take some fancy about them. And this deponent saith her Father was in town when she and the said David Ochterlony Dyce Sombre arrived from Scotland, but this deponent was afraid to inform the said David Ochterlony Dyce Sombre ; and this deponent only saw her said Father
40 once for a few moments early one morning. And this deponent saith the said David Ochterlony Dyce Sombre was now continually saying he wished for a separation ; and he would go on for hours repeating the same words ; but on two occasions when this deponent

Under restraint?

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said she would agree to a separation the said David Ochterlony Dyce Sombre started up and declared he would murder her first. And this deponent saith she was anxious the said David Ochterlony Dyce Sombre should try the homœopathic system, and Dr. Dunsford attended him sometime in January, and he appeared to derive benefit from this system; but all at once he became worse again, and Dr. Dunsford begged to retire and call in other advice. And this deponent saith, the said Dr. Dunsford substituted Sir James Clark and Doctor Conolly. And this deponent saith, although the state of mind of the said David Ochterlony Dyce Sombre appeared to be greatly influenced by his bodily health, yet that it was not entirely so, and this became more and more apparent. And this deponent saith, that whatever the said David Ochterlony Dyce Sombre fixed to do he did, and at the time he said he would, though it might be weeks or months after. And this deponent saith, for example, the said David Ochterlony Dyce Sombre, at Inverness, in the month of October, fixed that this deponent's maid Sarah Lake, a very respectable person, who had lived many years with her, should leave on a certain day (this deponent thinks Christmas-day) if she did not marry before that time, because he said she was a person of improper character; and this deponent did not reason with him about it, hoping he would forget it, and said nothing on the subject; but a fortnight or so before the time he asked the said maid if she had made her selection, and upon her saying she had not, he said if she did not marry before the day he had fixed he would turn her out of the house. And this deponent saith, from the time of his return from Scotland the said David Ochterlony Dyce Sombre swore at the said maid, and called her shocking names, as he did this deponent, asking her at times before this deponent to act improperly with him. And this deponent saith, that one morning before Christmas-day the said David Ochterlony Dyce Sombre came and told this deponent and her maid he had asked his hair-dresser to marry the said Sarah Lake, and that he had consented, and the said David Ochterlony Dyce Sombre had promised to take him as his valet. And this deponent saith, the said David Ochterlony Dyce Sombre was afterwards pacified without the said maid's marrying, by desiring his valet to look out for another maid; and this deponent selected one approved of by her said Husband, who was brought by the valet, and the said David Ochterlony Dyce Sombre told this deponent that the new maid was to look after this deponent's maid, Sarah Lake. And this deponent saith, that from the middle of January the said David Ochterlony Dyce Sombre got rapidly worse; and on the 27th of that month was the anniversary of the death of her Highness the Begum Sombre, who had adopted the said David Ochterlony Dyce Sombre as her son and heir; and the said David Ochterlony Dyce Sombre had heretofore had a Mass performed on that day, but about a fortnight before the time he said the Priest had not performed the Mass for the dead on the previous year, although he had said nothing to this deponent of any such suspicion on the previous anniversary when this deponent went with him to hear the Mass; and in consequence of the suspicion the said David Ochterlony Dyce Sombre did not have the said Mass performed, but sent 50*l.* to Mr. Hardwick, the Magistrate, at Marlborough-street, begging him to give it to the poor, and he put into the newspaper his letter to Mr. Hardwick, and the latter's acknowledgment of the 50*l.*, and an explanation to the effect, to the best of this deponent's recollection, that the reason he had no Mass performed this year was,

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that the Priest had not performed the Dead Mass; and that he had found deceit in the world, but he did not expect to find it in one who professed himself to be a religious follower of Christ, or some such expression. And this deponent saith, that soon after this occurrence the said David Ochterlony Dyce Sombre told this deponent he intended writing to the Queen to inform Her Majesty that he should give up his claims on the East India Company, and wrote accordingly, and sent a servant with a letter to Windsor Castle, on the 10th of February 1843, enclosed to Prince Albert, and the receipt of the letter was acknowledged by Mr. Anson. And this deponent saith, the said David Ochterlony Dyce Sombre the same day sent to Sir James Lushington, then the Chair-
 10 man of the Directors of the East India Company, a copy of the said letter to the Queen, and also a challenge; and the said David Ochterlony Dyce Sombre, on the 19th of February 1843, also challenged Sir Richard Jenkins, one of the Directors of the East India Company, and in consequence a policeman was, as this deponent has been informed and believes, stationed at the Clarendon Hotel door by direction of the Board of Directors or their Agents. And this deponent saith, she invariably did all she, this deponent, could to endeavour to dissuade her said Husband from doing these things, and when persuasion failed, this deponent wrote to beg the various persons addressed by him would answer his letters, but avoid saying anything to irritate him, as he was ill and attended by medical men, but this deponent never stated what his illness was. And this deponent saith, one day, to the
 20 best of this deponent's recollection, in February, she and her said Husband were walking in Albemarle-street, when Mr. Bruce passed, and bowed to this deponent; the said David Ochterlony Dyce Sombre asked who he was; this deponent told him, and he took this deponent home, and said, "I shall go and ask him if he is Mr. Bruce"; on his return, he told this deponent he had been to the British Institution, and asked to speak to Mr. Bruce; and on discovering from him that he was Mr. Bruce, he said, "As you liberated La Valette, perhaps you would like to liberate Mrs. Dyce Sombre; I shall be happy to give you any information about her;" but that Mr. Bruce declined talking on the subject. And this deponent saith, that the said David Ochterlony Dyce Sombre had repeatedly, during the months of November, December, January, and February, talked of a friend who had told
 30 him everything, and the things were so extraordinary, that latterly this deponent was convinced it was his own imagination; and he told this deponent that, in consequence of what he had done with respect to the East India Directors, that the Officers of a Regiment had given a great public dinner, in honour of him and his conduct in the business, at Dublin; and that the Queen had desired there should be a chair always left for him at her table, or that there was a chair always left for him there, and various things of this sort. And the said David Ochterlony Dyce Sombre, in the month of February, told this deponent her conduct was getting so bad that he would murder her; he was at times very violent; several times he kicked this deponent out of bed, and sometimes he held her against the wall of the room for long together, threatening this deponent and calling her by horrible names; and sometimes
 40 he seized this deponent by the throat, and said he would strangle her, but generally became very sorry afterwards, and said, although she had behaved improperly, yet it was unpardonable of him to treat her so, and would then load her with caresses; and ten minutes, or

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Challenges
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& Sir R Jenkins
on 19 Feb

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sometimes an hour after, something would come across him, and he would begin again, and say that he should kill himself or this deponent, and put an end to his misery; that he did not wish to murder this deponent, that he should be very sorry, but it was too strong for him, and that he could not help it; these threats were repeated constantly from the beginning till towards the end of February; he several times spoke at night of which way it would be best to destroy this deponent, whether by smothering her with a pillow, or stopping her mouth, so that no marks of violence should be found on this deponent; and if this deponent told him if he killed this deponent he would be hanged, he sometimes said he should glory in being hanged for what he had done, and told this deponent's maid to be sure to come and see him hanged; but generally he said he should not be hanged, as the law 10 could not touch him on account of deponent's wickedness. And this deponent saith, that for several weeks she, this deponent, put out of sight in her bed-room all knives and dangerous weapons, and the servant, into whose room the alarm bell rang, received, by this deponent's order, repeated instructions to be on the watch, and to come up the moment he should hear it. And this deponent saith, that towards the end of February, the said David Ochterlony Dyce Sombre told this deponent he would buy pistols to shoot this deponent; and three or four days after, having left this deponent for a short time, he returned into the room where this deponent was, and said, "I have brought them;" and when the servant brought the case in, the said David Ochterlony Dyce Sombre showed the pistols to this deponent; he then gave this deponent another caution about her conduct. And this deponent saith, 20 that a few days after this, the said David Ochterlony Dyce Sombre told this deponent that he must load the pistols, for, instead of getting better, deponent was getting worse, and that this deponent gloried in her wickedness. And this deponent saith, that in the beginning of March the said David Ochterlony Dyce Sombre for the first time told this deponent who the friend was who he had for some months so repeatedly mentioned to this deponent as telling him everything. And this deponent saith they were sitting in the drawing-room alone, before dinner, and the said David Ochterlony Dyce Sombre said he had written to Mr. Metcalfe, at Delhi, to desire him to make over to the descendants of his friends two Squares the late Emperor had given to her Highness the Begum Sombre, and this deponent asked who this friend was; he said he was a person who had committed an offence, and 30 deponent verily believes conspired against the said Begum; that he, the said David Ochterlony Dyce Sombre, had put him in prison, where, after some years, he died; and deponent thinks this circumstance preyed on his mind, for he had often named it before, and she believes the said David Ochterlony Dyce Sombre to be a very humane man. And this deponent saith the said David Ochterlony Dyce Sombre then proceeded to say that this man used to appear to him and tell him every thing, and that he had appeared to him the night before, and said if he would do something for him he would be his slave, and tell him every thing. And this deponent saith her Cousin, Miss Parker, entered the room while the said David Ochterlony Dyce Sombre was giving this account, and in the evening he repeated it before this deponent's maid, when this deponent said to the said David Ochterlony Dyce 40 Sombre, "Supposing he (meaning his friend) is not satisfied?" and the said David Ochterlony Dyce Sombre replied, "Oh, he'll be satisfied;" and this deponent said, "When shall you

know?" and the said David Ochterlony Dyce Sombre said, "He will come to-night." And this deponent saith that at night this deponent was awakened by his suddenly calling out, "Mary Anne, Mary Anne, I have seen him, and he is not satisfied;" he was in extreme terror, and begged he might hold this deponent fast, as this would keep the Spirit away; and this deponent saith she was dreadfully alarmed. And this deponent saith the next day she said to the said David Ochterlony Dyce Sombre, that the Spirit was a good Spirit, and would tell him only good things of this deponent; and some time after he said, "You are right; he says you are a nice, good little creature, and that I shall be quite happy with you at last." And this deponent saith that one or two days after the said David Ochterlony Dyce

10 Sombre said that a wicked demon had appeared, and desired him to kill this deponent, but that his friend the good Spirit had told him not to do so, for he would be happy with this deponent at last. And this deponent saith the said David Ochterlony Dyce Sombre one night started up in bed, and said, "There he is, there he is; don't you see him now? he is putting out his tongue; there, there, don't you see? he is gone," and appeared greatly alarmed; and always, for about four weeks after, kept hold of this deponent all night, for he said this kept the demons away. And this deponent saith that on another occasion the said David Ochterlony Dyce Sombre snatched off her wedding ring, and threw it into the fire, saying the spirit had ordered him to do so. And this deponent saith that several times the said David

20 Ochterlony Dyce Sombre told this deponent that he the said David Ochterlony Dyce Sombre would marry this deponent in Heaven. And this deponent saith that the said David Ochterlony Dyce Sombre followed this deponent to every part of the house, and scarcely left her for five minutes together in the day; but still he was not at all satisfied, and very frequently felt all over the doors and sides of the room, to find out the secret places through which he alleged that she, this deponent, introduced and got rid of her lovers. And this deponent saith that in the month of February, as she had been informed and believes, the said David Ochterlony Dyce Sombre visited Dr. Elliotson, in Conduit-street, and by his conduct made the said Dr. Elliotson apprehensive of danger to himself. And this deponent saith the said Dr. Elliotson, as this deponent has been informed and believes, through Mr. Edward Ricketts, a relative of this deponent, urged the necessity of putting the said David

30 Ochterlony Dyce Sombre under restraint. And this deponent saith that she has been informed and believes that representations having the same bearing were made to Messrs. Frere, Forster & Co., the solicitors of the said David Ochterlony Dyce Sombre, by various persons, and that a policeman was kept at the door of the hotel where the said David Ochterlony Dyce Sombre resided, at the instance of the Chairman of the East India Company. And this deponent saith that the said David Ochterlony Dyce Sombre had presented Captain Harvey Tuekett, with whom the said David Ochterlony Dyce Sombre had very little acquaintance, and for no sufficient or reasonable consideration, with a sum of money due from the Reverend Mr. Fisher, the early friend and tutor of the said David Ochterlony Dyce Sombre, and who was rather in embarrassed circumstances. And this deponent saith, that one night the

40 said David Ochterlony Dyce Sombre told this deponent that the Spirit had desired him to insult the light, and that after he had done this, he would tell him something; this deponent was in bed, and he desired this deponent's maid to leave the room, and this deponent told

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her to wait in the room adjoining; and the said David Ochterlony Dyce Sombre then got out of bed, and placed lighted candles on the hearth-rug, and extinguished them in a manner which it would outrage decency to describe, calling out at the same time, "Insult the light—insult the light;" he then got into bed, and this deponent called her maid in, and told her what had happened. And this deponent saith, a few days before the said David Ochterlony Dyce Sombre was placed under restraint, he told this deponent at night that the Spirit had desired him to shave off his eyebrows; and the following morning, on his naming it again, this deponent told him that the Spirit would, this deponent should suppose, be quite satisfied if he merely took off a small portion of each; he said, "Well, I will see; you are right, I believe you are right," or words to that effect; and two hours after, the said David Ochterlony Dyce Sombre appeared with a piece of each eyebrow shaved off; and this deponent desired her maid to observe it, and also Miss Parker. And this deponent saith, that after he was placed under restraint, the said David Ochterlony Dyce Sombre, as this deponent understood, had them entirely shaved off by his hair-dresser; and this deponent spoke to Sir James Clark about his having previously shaved off a part, and he said he had shaved off the whole. And this deponent saith, the said David Ochterlony Dyce Sombre fancied also that things were put into his food to injure him, and he thought that Savory and Moore, the Chemists, put things into his draughts for the same purpose, and therefore left them, and went to Dinneford: and this deponent remembers him saying one day to the head-waiter at the Clarendon Hotel that he put things into his food, and the waiter said he hoped he was not capable of doing such a thing; but the said David Ochterlony Dyce Sombre went on talking about it: and this deponent had heard him at dinner several times ask the servants if there was any thing in the meat, and sometimes he would scarcely eat anything. And this deponent saith, that two or three days before he was placed under restraint, the said David Ochterlony Dyce Sombre said, the Spirits desired him to drink beer instead of wine, and he did so. And this deponent saith, that the said David Ochterlony Dyce Sombre was always much excited when either salad or Scotch collops appeared at dinner. The salad he associated in his mind with General Ventura, who is an Italian, and said, "I see you have Italian salad again. Ah! ah! ah!" and the collops he said was in compliment to Mr. Fraser, who was Scotch: at dinner if this deponent was depressed, and did not eat, he would say, "What is the reason of your not eating? there is a reason; you cannot deny it," or words to that effect; if this deponent laughed, he would say she was hardened; latterly, if there was music in the street at dinner time, he would say it was an insult, and desired the servants to send it away. And this deponent saith, that two or three times, about a month before the said David Ochterlony Dyce Sombre was placed under restraint, he spat out of the window of the carriage in passing Westminster Abbey, in order, as he told this deponent, who was with him at the time, to insult the Archbishop of Canterbury. And this deponent saith, that one day, two or three weeks before the said David Ochterlony Dyce Sombre was placed under restraint, he and this deponent saw Captain MacDonald in the Park; and the next two days, while he and this deponent were walking, the said David Ochterlony Dyce Sombre kept his eyes earnestly fixed upon the tails of an ermine cape this deponent had on, and several times muttered "gemini"; before going in the second day he said, "I'll pull off

your geminis;" and this deponent intended not to put the ermine tippet on again, but the next day this deponent forgot and did so, when the said David Ochterlony Dyce Sombre seized hold of this deponent in the presence of her maid, and pulled off all this deponent's geminis, as he called them, which were the tails of the ermine. And this deponent saith, the last three or four weeks before the said David Ochterlony Dyce Sombre was put under restraint it became very painful to walk with him, but this deponent did not like giving it up, as she thought it of consequence to his health, and used to walk in the centre path of Hyde Park, which at this season, February and March, was very retired, or otherwise in Kensington Gardens. And this deponent saith, that the said David Ochterlony Dyce Sombre fancied persons who passed were insulting him, and several times he stood in the way of persons who were walking, but further than looking at them he did nothing; and one day in Kensington Gardens, while walking with deponent in the broad walk opposite the palace, the said David Ochterlony Dyce Sombre left this deponent and went up to an empty sentry box and beat it round with his cane, and then put his arms round it and tried to lift himself to the top of it; on this occasion his manner alarmed this deponent so much that this deponent refused to go into a retired part of the Gardens with him, which he wanted her to do, and this deponent had much difficulty in getting him out of the Gardens. And this deponent saith she was fearful of danger to herself in going to his dressing-room latterly, and this deponent therefore used to desire his valet to keep close to the door while this deponent went in: on one of these occasions this deponent was greatly alarmed by the said David Ochterlony Dyce Sombre locking the door, and then looking at this deponent with a grin, and then at a drawer, which this deponent then suspected, and which it was afterwards discovered, contained his pistols; he continued looking in this way for some minutes, when this deponent turned the key suddenly and got out of the room, making an excuse that she was wanted: and this deponent firmly believes that it would have been impossible for this deponent to have remained with him so long if she had shown fear, which it was this deponent's study to avoid doing in order to put off the necessity of restraint to the last moment. And this deponent saith, the said David Ochterlony Dyce Sombre, in this deponent's presence, said to Sir James Clark that he had warned this deponent to leave him; that this deponent was the most venturesome person he had ever met with; that this deponent was remaining with him at the risk of her life, which was not worth a minute's purchase; that he did not wish to kill this deponent, but he must do it. And this deponent saith, the said David Ochterlony Dyce Sombre was always fancying latterly that people wished to insult him, and he wrote to Sir Hume Campbell to beg he would give him satisfaction for having looked at his, the said David Ochterlony Dyce Sombre's, hat, which, he added, his wife, meaning this deponent, had told him was meant as an insult, but this deponent was fortunately in this instance able to dissuade him from sending the note; and this deponent has repeatedly passed hours in vainly endeavouring to dissuade him from acting on the different fancies he took up. And this deponent saith, that some time in February 1843 he told deponent he had a long time previously been shown by Lady Dinorben into Lady Gardiner's room, and had an improper intimacy with Lady Gardiner; and at another time, that Lord Breadalbane and Lord Marcus Hill wished him to pay improper attention to their ladies,

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which he declined to do; and at another time he said the Queen and Prince had been at the Clarendon Hotel for the purpose of carrying on improper intimacies with him and this deponent. And this deponent saith that the said David Ochterlony Dyce Sombre, some time in the month of March 1843, told this deponent she must fight a duel with a lady, and desired this deponent repeatedly to write to Lady Ann Beckett to fight with her, for he said this deponent must do it. And this deponent saith, that one of the persons the said David Ochterlony Dyce Sombre fancied this deponent intrigued with was Prince George of Cambridge; sometimes he said he discovered these things by freemasonry, sometimes by necrology, and sometimes by the rules of mathematics. And this deponent saith, that at the end of March this deponent felt it indispensable, for the safety of the said David Ochterlony Dyce Sombre and this deponent, to give her (this deponent's) consent to his being placed under restraint; and he had repeatedly told this deponent that her life was not worth a moment's purchase; he said he did not wish to kill this deponent, but it was too strong for him, and would be done in a moment: and this deponent is informed and believes that Dr. Monro, unknown to this deponent, sent a keeper into the hotel, and what precaution could be taken to prevent mischief this deponent took; but this deponent had so much reason for alarm, that she never latterly went to bed without thinking it was probable she would not see another day. And this deponent saith, that on the morning of the 30th of March, the day on which the said David Ochterlony Dyce Sombre was put under restraint, the said David Ochterlony Dyce Sombre seized a knife from the breakfast table, and vowed he would cut off this deponent's nose; this deponent's Cousin, Mr. Ricketts, was with Miss Parker in the next room, and this deponent got up to run to them for protection, but he, the said David Ochterlony Dyce Sombre, pursued her; this deponent turned round, and told him if he did not put the knife down she, this deponent, would ring, and have up every servant in the house, upon which he flung the knife upon the floor. And this deponent saith, that on the same evening at dinner, the said David Ochterlony Dyce Sombre ate nothing but bread and some beer, and in the evening he left the sitting-room, where Miss Parker and this deponent were, repeatedly; this deponent believed every time he came back that he would bring his pistols; he did not utter a word either at dinner or in the evening, but kept his eyes fixed on this deponent the whole time with an insane and frightful stare, keeping this deponent and Miss Parker in an agonising state of suspense till the doctors came, and the said David Ochterlony Dyce Sombre was put under the care of Dr. Domeir and two keepers. And this deponent saith, that the said David Ochterlony Dyce Sombre remained in the apartments he had previously occupied at the said Clarendon Hotel till the 11th of April 1843, when he was removed to a suitable residence provided for him in the Regent's Park, called Hanover Lodge. And this deponent saith, the said David Ochterlony Dyce Sombre remained at Hanover Lodge aforesaid until the 9th day of September 1843; during this time he was constantly attended by Sir James Clark until the said Sir James Clark left London in attendance upon the Queen, when the said David Ochterlony Dyce Sombre, at his own request, was attended by Mr. Martin, as his physician. And this deponent further saith, that in or about the month of June, John Rose Troup and Peter Paul Marie Solaroli, who, as this deponent has always understood and believes, had respectively

*recreations
mathematics
& freemasonry.*

restrained from

30th March.

*to
9th Sept. 1843*

L. E.

*Escaped on
the 21st Sept.*

from restraint

as he

remained on the 11th

at the

Hanover Lodge till 9th

Sept.

travelling till 21st Sept. 1843

& escaped

married the two sisters, and as this deponent believes, the only next of kin of the said David Ochterlony Dyce Sombre, arrived in England, with their said wives, and the said Peter Paul Marie Solaroli visited the said David Ochterlony Dyce Sombre, and afterwards informed this deponent he was perfectly convinced of his insanity; and both he and the said John Rose Troup, as this deponent at that time was informed and believes, became very urgent to proceed to have a Commission issued for the purpose of protecting the property of the said David Ochterlony Dyce Sombre; and the said David Ochterlony Dyce Sombre, as this deponent was then informed and believes, was also anxious to have a trial, in the hope of having his confinement terminated; but this deponent saith that she, this
10 deponent, was in hopes he would recover without the said trial being necessary, and she therefore refused her sanction to the issuing of the Commission until on or about the 27th day of June 1843, when this deponent directed that a Commission should be issued. And this deponent saith, an Inquest was held under the Commission on the 31st day of July 1843, when, as this deponent has been informed and believes, the said David Ochterlony Dyce Sombre was found to be of unsound mind. And this deponent saith, that she was unable to agree with the said John Rose Troup and Peter Paul Marie Solaroli upon any satisfactory arrangement for the appointment of Committees of the Person and Estate, and the long vacation having intervened, no application was made for those Appointments until after the escape of the said David Ochterlony Dyce Sombre, as hereinafter mentioned. And this
20 deponent saith that towards the autumn, no improvement having shown itself in the malady of the said David Ochterlony Dyce Sombre, and the situation of the Hanover Lodge being damp, from which the said David Ochterlony Dyce Sombre suffered, it was considered by Sir James Clark and this deponent very desirable to change his residence, and that at one time a house near the sea was thought of, and at another, a sea voyage. Travelling by land, and almost every possible plan that could afford healthful exercise, a change of scene and pleasure was deeply considered, but was suspended on account of the disinclination which, as this deponent was informed, was evinced by the said David Ochterlony Dyce Sombre, at the idea of the leaving the said Hanover Lodge. And this deponent saith, at the end of August 1843, the said David Ochterlony Dyce Sombre, who was then attended by Mr.
30 Martin, sent a scrap of paper by him, on which was written, that this deponent's maid was to go to him the next day early, and she brought this deponent word the said David Ochterlony Dyce Sombre wished to see this deponent the following day, but this deponent thought it would please him more, as it did herself, to go up the same afternoon. And this deponent saith she went, accordingly, and met Mr. Martin at Hanover Lodge, and the said David Ochterlony Dyce Sombre was perfectly tranquil, and did not express any sort of emotion at seeing this deponent. And this deponent saith that Mr. Martin told this deponent he considered the extreme composure of said David Ochterlony Dyce Sombre, after so long a separation, as a very unfavourable symptom; and when Mr. Martin left the room, the said David Ochterlony Dyce Sombre talked most rationally for some time to this deponent,
40 interesting himself in every way about the welfare of this deponent, as also of her said maid; but all at once he said, "I suppose you know the Queen has offered me a peerage to hush up the business, but I have refused it;" and he then asked if this deponent was living with

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Sir Frederick Bathurst, and insisted upon examining, to see if this deponent was going to have a child, as he said he would take care this deponent did not put off the child upon him. And this deponent saith the said David Ochterlony Dyce Sombre had a memorandum in his hand to remind him, to ascertain this fact. And this deponent saith, the said David Ochterlony Dyce Sombre said many other things to this deponent which are unmentionable; among others, the conditions upon which he would take this deponent back, as specified in full in Sir James Clark's affidavit, sworn in this matter the 25th day of June instant; and she, this deponent, is enabled to explain the meaning of the initial letters contained in the paper, written in red ink by the said David Ochterlony Dyce Sombre, as mentioned in the said affidavit of Sir James Clark, as follows, that is to say, the initials A., B., and C. mean the 10
Archbishop of Canterbury; the initials E. J. mean this deponent's Brother, Edward Swynfen Jervis; the initials H. P. mean Hyde Park; the initials Viset. St. Vincent, mean Viscount St. Vincent, this deponent's Father. And this deponent saith, the said David Ochterlony Dyce Sombre told this deponent that Lady Londonderry had sent to him to propose that he should marry her second daughter, Lady Alexandrina Vane; and he told this deponent he had seen her driving with Sir Frederick Bathurst in a carriage not this deponent's own, but the said David Ochterlony Dyce Sombre was not the least excited or angry; he spoke of these things as matters of course; and if this deponent attempted a denial he said, "Come, come, you know better." And this deponent saith, she saw the said David Ochterlony Dyce Sombre at Hanover Lodge twice after this; the last time, this deponent believes, the 7th of September, 20
and in all respects he was then the same as before. And this deponent saith, that the said Mr. Martin informed this deponent that a few days after he first attended the said David Ochterlony Dyce Sombre, with a view to induce the said David Ochterlony Dyce Sombre to travel, he introduced to him a gentleman named John Grant, who had been a medical officer in the service of the East India Company, and who was able to converse in the Eastern language, in talking which the said David Ochterlony Dyce Sombre had always much pleasure. And this deponent saith, that the said John Grant is a person of mature age, and was very highly recommended by the said Mr. Martin, who stated that the said John Grant had been his intimate friend during 25 years, as a person in every way qualified to take charge of the said David Ochterlony Dyce Sombre if he could be induced to travel. 30
And this deponent saith that the said David Ochterlony Dyce Sombre having in the month of September, as this deponent was informed and believes, consented to accompany the said John Grant, it was arranged that they should set out immediately, lest the said David Ochterlony Dyce Sombre should relapse into his former disinclination of not quitting the Regent's Park, which, as the season was now far advanced, would have created great embarrassment. And this deponent saith that the most minute instructions were given by herself to the said John Grant for the comfort and security of the said David Ochterlony Dyce Sombre. And this deponent saith that in the month of September the said David Ochterlony Dyce Sombre quitted Hanover Lodge in company with the said John Grant, a keeper, and two servants, and proceeded to Bath, Bristol, Gloucester, Birmingham, and 40
Liverpool, from which last-named place, very early in the morning of the 21st of the same month, he, as this deponent was informed and believes, effected his escape from the Adelphi

Hotel, Liverpool, the aforesaid John Grant having exhibited throughout the excursion a total neglect of his charge, and an entire disobedience of instructions. And this deponent saith, that it having been ascertained on the said 27th day of September that the said David Ochterlony Dyce Sombre was in Paris, on the 28th September Bartle John Laurie Frere, this deponent's solicitor, having provided himself with necessary letters to the British Ambassador at Paris, and, accompanied by a medical man and a keeper, went to Paris to endeavour to recover possession of the said David Ochterlony Dyce Sombre; but the French authorities refused to deliver over the said David Ochterlony Dyce Sombre. And this deponent saith, that she received a letter from the said David Ochterlony Dyce Sombre, informing this deponent that he was at Paris, and one from Mr. Frere, stating that he was going to try and bring him back, by the same post; but this deponent feared the hurrying him back would be injurious to him, and this deponent wrote to ask him if she should join him in Paris; this deponent being then in Staffordshire, her Father and herself came to town, when this deponent saw Sir James Clark, and he feared that the hurrying him home might cause great excitement: and this deponent was in hopes by going herself that after a time she might persuade him to return with her; she, this deponent, wrote again, asking him, the said David Ochterlony Dyce Sombre, to allow her, this deponent, to join him; she, this deponent, having received a letter from him desiring her to remain with this deponent's Father; and this deponent also wrote to Mr. Barlow, the commissioner to whom this matter is referred, stating her fears, and asking if she might go. Mr. Barlow's answer was as follows, that is to say: "Dawlish, October 6th, 1843.—Dear Madam, I beg to acknowledge the receipt of your letter. Indeed I had not previously heard anything as to the escape of Mr. Dyce Sombre, except what was stated in the newspaper, and which I trusted was not true. The circumstances you mention shew most gross carelessness, a history of the greatest neglect and disobedience of all orders, and a laying aside of all common sense. In answer to your inquiry whether I can authorise you to proceed to Paris and bring Mr. Dyce Sombre over, quietly and by persuasion, I can only say he ought to be brought back as quickly and as much by persuasion as possible; but I have no power to authorise you or any one to take any particular step. I have only power (on evidence produced before me, and after hearing the solicitors of all the next kin), to approve of some person to be a Committee to take care of the person of Mr. Dyce Sombre, and then the custody or care of his person is granted by the Chancellor to the individual so approved, who must then, according to the best of her or his judgment, do what is necessary for the safe custody and comfort of Mr. Dyce Sombre, and is responsible to the Chancellor for so doing. It is however necessary that Mr. Dyce Sombre should be brought back to England as soon as possible, and it is also desirable that he should be put under as little restraint as can be, and that the best means should be adopted for that purpose; and for that purpose such Committee of the person should be forthwith appointed, and is the only person who can do any legal act as to his custody. But as you took out the Commission, and as no Committee has yet been appointed, the Chancellor would, I conceive, look to you to see that Mr. Dyce Sombre is in safe custody and has the necessary comforts, and you should certainly do what is deemed desirable for that end, and you require no sanction from me to go to Paris or elsewhere if it is thought

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“ your presence will facilitate that object ; you must be guided very much in this respect by
 “ what you hear from Mr. Frere, who I understand is now at Paris, and by the opinion
 “ of medical men as to the effect of your presence. I shall by this post write to Messrs.
 “ Frere, stating that I have this morning heard from you as to the escape of Mr. Dyce
 “ Sombre, and that I am, as I have been, ready to approve of either a permanent or
 “ temporary Committee, but for that purpose they must bring a state of facts and evidence
 “ before me ; and that I shall be in town on Tuesday next the 10th instant, and shall, as I
 “ have been, be ready to attend to any application which they may think it necessary to
 “ make. I was in town in the middle of September, as I intimated, and I have from time
 “ to time, on receiving other papers, inquired of my clerks whether the parties were ready to 10
 “ proceed with the usual inquiries as to Mr. Dyce Sombre’s matters. I proposed making
 “ my report before I quitted town, but the solicitors were not ready with any evidence ; and
 “ I stated my readiness to meet them in London at any time, and that I certainly should be
 “ there on the 19th of September (as I was), but I had heard nothing further on the subject
 “ until the receipt of your letter. It could not have been supposed that the persons under
 “ whose custody you (acting under the best advice) put Mr. Dyce Sombre could have acted
 “ with such carelessness. I ought to apologise for troubling you with so long a letter, and
 “ with every mark of respect believe me to be your obedient faithful servant, *Francis*
 “ *Barlow.*” “The Honourable Mrs. Dyce Sombre.” And this deponent saith that she was
 well aware of the dangers which she must encounter by placing herself within the power 20
 of her said Husband under his present afflicting circumstances, but this deponent was willing
 to undergo everything rather than to fail in what appeared to this deponent to be her
 duty to him, by contributing what might be in her power towards his relief and recovery ;
 but the French authorities having declined to deliver up the said David Ochterlony
 Dyce Sombre, after this the danger no longer existed of his being brought back with
 undue haste, and this deponent relinquished the idea of going to Paris. And this deponent
 saith that some months after, having received a letter from Mr. Okey, the Counsel to the
 British Embassy in Paris, with whom this deponent corresponded on the subject, in which he
 stated that the said David Ochterlony Dyce Sombre talked of going to the baths in Germany,
 and suggested for deponent’s consideration her going to one of them, this deponent told him 30
 it would be too hazardous, in which he concurred. And this deponent saith that since the
 said David Ochterlony Dyce Sombre has resided at Paris she thought it her duty to make
 the best regulations in her power for the remittance of the funds necessary for his main-
 tenance, and for securing the proper application and administration of the same, and for pro-
 viding, as far as was in her power, for the welfare of her said Husband, and for that purpose
 this deponent continued her correspondence with the said Mr. Okey, and engaged his advice
 and assistance thereon, requesting he would take care that her said Husband was provided
 with everything that could add to his comfort and respectability. And this deponent saith
 that she is informed and believes, that the habits and modes of life into which the said David
 Ochterlony Dyce Sombre has fallen during his residence at Paris are very injurious to his 40
 health and detrimental to the prospect of his recovery, and that although the said David
 Ochterlony Dyce Sombre has been received occasionally into good society there, he has

formed some intimacies and connexions which must be extremely disadvantageous to him, and this deponent has therefore been desirous of withdrawing him from the same. And this deponent saith that for this purpose, she, this deponent, proposed and begged of Mr. Okey to try and persuade the said David Ochterlony Dyce Sombre to travel with him, hoping that the removal from this bad society and the change of air and scene might afford the best hope of his recovery ; and the reason of this deponent fixing upon Mr. Okey, whom she has never seen, was, that he appeared to take an interest and to be sorry for the said David Ochterlony Dyce Sombre, and also that the said David Ochterlony Dyce Sombre seemed, by Mr. Okey's letters, to have a regard for him, and therefore this deponent thought the said David Ochterlony Dyce Sombre would willingly accompany him, and this deponent was in hopes of being able to arrange this plan ; but some time afterwards Mr. Okey wrote to say he could not leave his family for so long a period ; and that after the frightful language and threats he had heard the said David Ochterlony Dyce Sombre make use of, he could not expose them to anything of this sort ; and this deponent believes the said Mr. Okey did not say anything to the said David Ochterlony Dyce Sombre about travelling with him. And this deponent saith she hath received letters from the said David Ochterlony Dyce Sombre from Paris, and they betray the same delusions continuously to a certain period. And this deponent is informed and believes, during the latter part of the correspondence, that pains were taken to prevent his betraying his delusions in like manner in his letters ; and the correspondence ceased towards the
 10
 20 end of January 1844 ; but this deponent is well informed and believes that the same delusions continued to the time of his leaving Paris for this Country. And this deponent saith she is firmly persuaded and convinced and verily believes, that whatever appearances of reasonableness and consistency the said David Ochterlony Dyce Sombre may now evince, the same cannot safely be relied upon, as evidences of a permanent re-establishment of his sanity, without due probation continued for such length of time and under such circumstances, as, in the judgment of experienced persons, may be deemed sufficient for that purpose. And this deponent saith that the said David Ochterlony Dyce Sombre possessed a perfect knowledge and understanding of the English language. And this deponent saith she scarcely ever saw any English person write with such facility and rapidity as the said David Ochterlony
 30 Dyce Sombre, and that the errors he sometimes committed in writing are wholly the result of inattention and the aforementioned rapidity with which he conveyed his ideas to paper. And this deponent saith she has annexed in a schedule to this affidavit copies or material extracts from some of the papers in this deponent's custody, addressed by the said David Ochterlony Dyce Sombre to this deponent, which this deponent conceives to be relevant to the matters mentioned in this affidavit. And this deponent saith she constantly received letters from the said Mr. Okey and from her acquaintance in Paris detailing circumstances which showed the continuance of the delusions of the said David Ochterlony Dyce Sombre.

40 Sworn at the Public Office, Southampton Buildings, in the county of Middlesex,
 this 25th day of June 1844,

Before me,
W. Russell.
M. A. Dyce Sombre.

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.

The SCHEDULE to which the foregoing Affidavit refers.

Madam,

Paris, 24 September.

PERHAPS by this time you are made acquainted that I have not waited the result of the good intention of the Lord Chancellor, or of his representative, Mr. Grant, to whom, by way of remembrance from me, ask him if "John Bull" has his own way at all times. I gained the shores of France in less than 30 hours after leaving Liverpool, and stopping four hours in town into the bargain; such things would not have been believed by our ancestors if they had been prophesied in their time; and in less than 15 hours again I was in eternal Paris. What are your wishes now? Whatever they are, you must write them down, and direct your letter to the care of Messrs. Frere Laffitte, No. 1, Rue Laffitte. Of course I shall expect you not to leave your father's roof, and now, as he can have no excuse to meet me, and give me satisfaction here, he can do so without impunity. You shall receive this on Tuesday, 26th; and I am yours truly, 10

D. O. DYCE SOMBRE.

Dear Madam,

Paris, 12 October 1843.

MR. FRERE went yesterday, and much disappointed he was, I am told, at not taking his prey back. The scrap of paper you wrote on Saturday, I only received yesterday, the 11th instead of the 9th. Who did you send it by? for it does not bear the English post mark. I expected to have seen the person, if he is come, to give me a meeting. You must have received my last, in which I again, in answer to you, recommend your dispatching a friend. I saw your friends, Sir Hume and Lady Campbell, who could have acted for you, but they are gone; but the Ricketts are, if you choose to employ them. Mr. M. Ricketts called on Solaroli last night. You complain of not hearing from me oftener; I do not think I have not answered any of yours; if you write me every day I shall answer you, but I have nothing to say myself. You must know that I cannot speak to you of Lady M. Hill; his Lordship owes me an explanation before we can be friends again. I hope you have left town. Believe me yours truly, 20

D. O. DYCE SOMBRE.

My dear Madam,

Paris, 24 November 1843.

How is it that I have not had the pleasure of hearing from you this last week; if I have any thing to say, which of course you have the option to decide, it must be that you write me at least twice a week, if not oftener; and, if you please, I shall name the days, and then I will be certain when I go to Laffitte's—Tuesdays and Fridays. I enclose you a note, written to me by your "dear friend Rogers;" I have met him twice, and though he appointed a time for me to see him, but he was out. I have seen Mr. Broadwood, and have told him that, since it cannot be decided in any other way, I am going to put my case into the 30

hands of the members of the Jockey Club, who will soon trot out the gentⁿ whoever he is, before the public, if he does not behave like one. I enclosed a lock which you seemed so anxious to receive. I wish you would send me the Indian letters; this is the third mail that they have withheld from me; now there you can really assist me; also the Persian seal I require so much. There are such beautiful white bonnets here, which I would wish you to send, but you have precluded me from doing these things; you must be the best judge about yourself. I saw Lord Brougham, who desired to be remembered to you. Believe me yours truly,

D. O. DYCE SOMBRE.

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.

Dear Madam,

Paris, 18 November 1843.

10 I HAVE great pleasure in receiving your letter of Monday the 13th. I trust you have received my last. I have agreed to the proposal I made in it, of having this disagreeable affair brought to a close by the arbitration of the members of the Jockey Club in Paris. I am sure it must be your wish that this should be brought to an end without further delay.

Dear Madam,

Paris, 21 November 1843.

I AM gratified by the receipt of your two last letters, but I must insist upon this arrangement of ours coming to some kind of end. I always have said that it would be much better if it could be settled through friends; but since they will not undertake it, I think you would find the members of the Jockey Club very fair in their arbitrations, provided you agree to abide by their decision, as I will do on my part without
20 hesitation. Think of this once more, and consult yourself, and not Mr. Frere, who I can detect in your last letter, as if it had been dictated by him. I must also beg your signing your full name to your letters, and not in the way you do. I am glad to hear of the arrival of the block of marbles; they must be a part of the monument; I wish you to have them taken out of the Custom-house, and placed in some conspicuous place on my account; but for heaven's sake do not employ Mr. Frere on my behalf, at all events. Do not you call this annoying: my seal is not to be delivered to me, though a private one, but the public one, by which I can execute any deed, is with me, and no one has asked me for it; and my private letters are to be opened, thanks to you and your d——d laws. Remember me to your friend Clara Burdett, and believe me yours truly,

D. O. DYCE SOMBRE.

30

Paris, Boulevard des Capucines, No. 23,
25th November 1843.

Dear Madam,

I HAD very great pleasure in receiving your letter last Thursday, but as there was no post yesterday going to England, or rather my letter would not have been delivered on Sunday, I have waited till to-day. From the above you will see that I have taken private lodgings,

Affidavit of
the Hon.
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Dyce Sombre.

beautifully furnished, where you could also live very comfortably, if you could prove what I wish you to do ; *so you better* direct your letters here now. I have also got a little room for Lake, and a small foot-stool for Fidi. I shall put this note in myself ; but pray seal your own letters, as two or three of your last ones came with a *blank* seal, having no sort of inscription on. I wish you would send me the list of my clothes, &c., as I am very badly off with some things, such as gloves, boots, &c. I am glad you have sent the picture by Mr. Dick ; I wish you had sent a few dozens of gloves also by him. I shall expect to hear from you to-morrow, and shall write you the next day ; and I am yours truly,

D. O. D. SOMBRE.

The Honourable Mrs. Dyce Sombre,
Clarendon Hotel, Bond-street, London.
D. O. D. S.

10

Boulevard des Capucines, (No. 23),
27th November 1843.

Dear Madam,

You surprise me greatly by accusing me that my letters are not so kind as you expect them to be ; I am sorry to think that, for such is not my intention. The only thing that now remains for you to do is to clear up the matter, and which can only be done through private friends, or through a man of business, since you will not accede to the arbitration of the members of the Jockey Club. You ask me if my father had been a Catholic : I have told you he was not, but I was both christened and brought up as a Catholic. You also ask if Major R—— had ever forged the Begum's name to any document : I do not know what you mean by it. I think I have answered all other questions put by you. Your letters are never shown. But I must again entreat your retiring to Staffordshire, and I must insist upon knowing when you go. I hear during my confinement you have paid a visit to Lady Essex : is that so ? I have written to Mr. Barlow, and I wish you would do the same, and get him to send me all the Indian letters received since my confinement. Would you prefer getting a divorce, which you can do, but I cannot. Answer me straightforwardly ; would you not be more happy, you think, by living with the person whom you prefer best, either in a married state or not, just as you please.

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Dear Madam,

Paris, 7 December 1843. 30

I AM very much obliged to you for your letter of the 4th, received yesterday, and thank you very very much for asking your father to direct it, which has convinced me of his being with you, but I had rather that you had done this the very day you had received my letter. I have one very bad piece of news to tell you, and for which I had actually a quarrel with Mr. Solaroli ; he accused you publicly, at Meurice's Hotel, in the presence of Mr. Farr, who repeated before Mr. Goldsmith Okey, and others, to what I know that you offered first of all, 400*l.* per annum to him ; then 800 *l.* ; to Troup, 400 *l.*, and to Dr. Drever, 200*l.* a year to keep them quiet, and have nominal charge of my property, but to allow you

10,000*l.* per annum for our joint use, and the entire management of my person ; and that you had contrived to get the marriage settlement made in your favour, in such a manner that if I had died without making my will, you would have been entitled to half my property in spite of the large jointure settled upon you of 4,000*l.* a year. So you see I knew all this, for he had told me, on our first meeting, and I kept it quiet, the first part of it, for your sake, but now it is known all over the embassy and other places ; and when he showed me your letter (of which I have got the possession of), in which you write to your father to get him (Solaroli) to stuff in anything he likes in a bag of cloth, and say that those were the papers I wanted of him, and to deceive me in that manner, and get possession of my
 10 papers, I had nothing else to do but to take up my pen and ink and take his deposition before Goldsmith, who is a notary public, and have it authenticated by him, on Mr. Solaroli's oath. What can you say to all this? Surely you cannot deny now that you have deceived me ; and what pleasure can I have in living with you after that? Answer me ; you say you have made several proposals to me about yourself ; I know of not one ; why not go to Sir F. B., where you will be more happy, and I shall be free. Answer me by return of post if you will agree to this, but your answer must be clear and distinct. It was your own friend, Mr. Broadwood, who told me about your going to Lady Essex ; but I believe you when you say you had not. I have not heard of Mr. Dick's arrival yet.

Affidavit of
 the Hon.
 Mary Anne
 Dyce Sombre,

Yours truly,

D. O. DYCE SOMBRE.

20

I have appointed other solicitors in the place of Frere, the rogue.

Dear Madam,

Paris, 2 December 1843.

I HAVE had the pleasure of receiving yours of the 28th November, but I have been sadly disappointed in not hearing from you this morning. I could not have written yesterday, but I wish you would tell me in your letters when you intend writing next. I see you have taken the affidavit required, to which Mr. Frere has also put his name ; so you cannot have any excuse for remaining in London now, and I must beg and insist upon your returning. I am also told, and of which you must send me an explicit answer. Is Lord
 30 St. Vincent with you or not? I am told not, though you have always persuaded me that he was. I must have an inventory of my things, as I am very badly off with some. Pray write me more explicitly of what your wishes are ; you seem to go out to parties alone ; this, surely, is without my knowledge or consent. Why do you not throw up the mask and appear in your own garb, and say what you intend doing. I think you will be more happy with the person of your own choice, and relieving me from my engagements.

Yours truly,

D. O. DYCE SOMBRE.

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.

Dear Madam,

Paris, 10 January 1844.

It is a very feeble excuse which you make why you did not write me last Friday, for you say you had received only one letter from me that week. Surely you could have answered that one, at all events. However, to put away further disputes on that head, I shall write you on Wednesdays and Sundays, while you are to write, as formerly agreed on, Tuesdays and Fridays. Mr. Okey was with me here just now, and read me your letter. If you send me a copy of the affidavits by Messrs. Troup and Solaroli, I shall send you all the answers you may require of me about the Begum, &c. I shall write to Count Loschi about the shawls. I do not correspond with Mr. Solaroli. I hope you have received the book and the box of bon-bons which you wrote for. I spoiled two boxes to make that one. 10 Mr. Farr is close by you at Long's. If you wish to see him, he will go over to you. Lord Marcus Hill has behaved any thing but what he ought to have done in the part he took of the transaction of the 29th March last, and Lady M.'s letter requires an explanation.

Yours very truly,

D. O. DYCE SOMBRE.

Madam,

FROM what I have heard of late,—in fact, I always thought so,—that you are my enemy. The situation you have placed me in is shameful. Nevertheless, I am told you are appointed committee or guardian of my person. Pretty guardian you are when you refuse the 20 paltry sum of 80 Napoleons to pay the doctors' bills! Now if these very doctors had decided me mad, you and your confederates would have been too glad to have paid this sum. I have heard of a letter from that man Sir James Clark to Sir Robert Chermiside, in which the former upbraids the latter for not having found me insane. Your conduct, and that of your advisers, must come before the public now. How will you dare to show yourself in society after such an exposure as must take place? I am told you have mixed in your unworthy cause several ladies, who are trying to poison the minds of their husbands.

Saturday, 20th—28th October 1843.

You say you have no carriage. Why is that? I would wish you to live not only respectably, but in style, if you are true to me; but, of course, I am not going to pay for 30 my own dishonour or your follies.

M. A. DYCE SOMBRE.

This is the Schedule referred to by the annexed Affidavit.

Sworn this 25th day of June 1844, before me,

W. RUSSELL.

AFFIDAVIT OF DR. DREVER.

Affidavit of
Dr. Drever.
Sworn 24th
June 1844.

THOMAS DREVER, the younger, of Hillswich, in the Highland of Shetland, M. D., maketh oath, and saith that he was formerly a medical officer in the service of the Honourable East India Company. And this deponent saith that in the year 1829 he was stationed at Meerût, in the Upper Provinces of Bengal, and in the year 1832 he went to reside at Sirdhanah, within a few miles of Meerût, as physician in the household of her Highness Zebulnissa Begum, commonly called the Begum Somroo, and continued to live there till the death of her Highness in January 1836. And this deponent saith that shortly after he went to Meerût he made acquaintance with the said David Ochterlony Dyce Sombre, who was at
10 that time a young man about 21 years of age, living in the palace of the said Begum: and this deponent has been informed and believes that the said David Ochterlony Dyce Sombre was the Son of George Alexander David Dyce, who was the Son of a British officer, and that the Mother of the said David Ochterlony Dyce Sombre was Juliana Reynard, the Daughter of Louis Reynard by a Miss Lefevre, which said Louis Reynard was styled in India Nawaub Zuffer-y-Caub Kheen, and was the Son, by a Rajpoot Lady, of Walter Reynard, a German by birth, surnamed Sombre, the Husband of the said Zebulnissa Begum. And this deponent saith that during the whole of the time he resided at Meerût and Sirdhanah, and until the said David Ochterlony Dyce Sombre left India in the year 1838, he, this deponent, was upon the most intimate and friendly terms with the said David
20 Ochterlony Dyce Sombre, and became perfectly acquainted with his habit of feeling, thinking, and acting. And this deponent saith he always understood and believed that the said David Ochterlony Dyce Sombre was educated by the Reverend Mr. Fisher, a clergyman of the Church of England, a chaplain in the said Company's Bengal establishment, who was living with his wife, an English lady, and a large family of children at Meerût, and this deponent understood and believes the said David Ochterlony Dyce Sombre spent some time of his boyhood chiefly in the family of the said Mr. Fisher. And this deponent saith her said Highness the Begum was very fond of the said David Ochterlony Dyce Sombre, and treated him as her son. And this deponent saith that as the said David Ochterlony Dyce Sombre grew up he gradually took a part in the management of the affairs of the
30 said Begum, and at last, in the year 1834, she formally ceded to him all her possessions, and adopted him as her heir. And this deponent saith that her Highness the Begum's income was very large; she maintained an army, and was absolute in her dominions; and she lived in a style of regal splendour. And this deponent saith that the society in which the said David Ochterlony Dyce Sombre moved was chiefly composed of the European civil and military servants of the said East India Company, at Meerût and Delhi, and others, and the language usually spoken amongst those admitted on terms of equality, except with her Highness herself, was principally English, and the manners much the same as those of English people in India; and the said David Ochterlony Dyce Sombre usually wore the

Affidavit of
Dr. Drever.

European dress, and did not wear the native dress more than many Europeans in India are in the habit of doing. And this deponent saith that the said David Ochterlony Dyce Sombre's natural abilities were very good, although not much cultivated, and he was master of the English, Persian, and Hindostanee languages, and was much used to and very careful and methodical in business. And this deponent saith that the said David Ochterlony Dyce Sombre was by no means quarrelsome or ready to take affront, and his disposition was mild and liberal. And this deponent saith he never observed any signs of strong, credulous, or superstitious feelings in the said David Ochterlony Dyce Sombre. And this deponent saith the said David Ochterlony Dyce Sombre was formerly remarkable for the absence of jealousy in regard to women. And this deponent saith that even the British 10 residents in India who cohabit with the native women, are in general extremely particular and jealous in excluding their friends, however intimate, from the Zenana, or women's apartments; but this deponent saith that the said David Ochterlony Dyce Sombre was remarkably indifferent on this point, and during a time when he cohabited with a native woman, he freely admitted this deponent and other friends into the Zenana. And this deponent saith that upon the death of her said Highness the Begum, the said East India Company took possession of her territory, and the said David Ochterlony Dyce Sombre, after arranging his affairs in India, and travelling for a short time in the East, left India for England in the year 1838, confiding by power of attorney the arrangement of his affairs to Peter Paul Marie Solaroli, who had married one of his Sisters, and to this deponent, and Major 20 Sleeman. And this deponent did not interfere materially in such arrangement, and afterwards left India on his own affairs, and in the month of July 1840 arrived in London, where the said David Ochterlony Dyce Sombre also arrived from the Continent a few days afterwards. And this deponent immediately saw, and was frequently afterwards in company with, the said David Ochterlony Dyce Sombre, and continued with him on the same intimate and confidential terms as formerly. And this deponent saith that the said David Ochterlony Dyce Sombre immediately told this deponent of his intended marriage with Mary Anne, his now Wife, the Daughter of Viscount St. Vincent, and appeared very desirous that it should take place, but there was then some impediment; but this deponent did not know the nature of such impediment precisely, but generally understood it related 30 to the mode in which the children were to be educated, in consequence of the said David Ochterlony Dyce Sombre being of the Roman-catholic, and the said Mary Anne Dyce Sombre of the Protestant persuasion. And this deponent saith that in or about the month of August following the said David Ochterlony Dyce Sombre introduced this deponent to Lord St. Vincent and his daughter. And this deponent saith that on the said Viscount St. Vincent conferring with deponent on the subject of the said intended marriage, he, this deponent, gave it as his opinion, as he then, from his previous knowledge of the said David Ochterlony Dyce Sombre had every reason to expect, that such marriage was likely to promote the happiness of the said David Ochterlony Dyce Sombre, and of his intended Wife. And this deponent saith he was present when the said David Ochterlony Dyce 40 Sombre gave instructions to his solicitor, Mr. Bartle John Laurie Frere, for the settlement on his intended marriage. And this deponent saith that such instructions proceeded

entirely from the said David Ochterlony Dyce Sombre, and the said David Ochterlony Dyce Sombre was particularly pointed in his direction that he was to have nothing to do with Mrs. Dyce Sombre's own fortune, which was to be dealt with entirely as she and her friends thought fit. And this deponent saith that the said David Ochterlony Dyce Sombre, in speaking to this deponent afterwards on the subject of the said settlement, said that he had made a large provision for his wife, that his son might be in some measure dependant on his mother, which was requisite, as he was to be brought up as a Roman-catholic. And this deponent saith the treaty for the said marriage was afterwards broken off; but this deponent does not believe that it was on account of any disinclination or want of affection

10 on the part of the said David Ochterlony Dyce Sombre, for he always appeared to be very sincerely attached to the said Mary Anne Dyce Sombre. And this deponent saith the said marriage took place eventually on or about the 26th day of September 1840, in the presence of this deponent. And this deponent saith that during the whole of the transaction, as far as this deponent witnessed it, the said David Ochterlony Dyce Sombre appeared to be in the full possession of all his faculties, and perfectly master of himself, and to understand clearly what he was about; and never uttered a word which could lead this deponent to suppose he had any doubt or suspicion as to the good conduct or character of the said Mary Anne Dyce Sombre. And this deponent believes that from his intimacy with the said David Ochterlony Dyce Sombre he, the said David Ochterlony Dyce Sombre, would

20 have told this deponent had he then entertained any such suspicion. And this deponent saith that on their marriage this deponent promised the said David Ochterlony Dyce Sombre and his Wife to join them at Naples, and spend the winter with them there; but this arrangement was prevented by Mrs. Sombre's being taken unwell on the Continent, which obliged them to return to London in the end of 1840. And this deponent then saw them frequently at the Clarendon Hotel, in Bond-street, dining with them often, and accompanying them to the Theatre. And this deponent saith, from everything which he saw, he was led to believe that David Ochterlony Dyce Sombre and his Wife were happy together, and he was most kind, affectionate, and indulgent. And this deponent saith that on David Ochterlony Dyce Sombre's marriage, he committed some boxes to his, this deponent's

30 charge, which were left along with deponent's own boxes, in the house of this deponent's Uncle, Dr. Drever, senior, in Park-street, where this deponent also resided for a short time, in the early part of October 1841. And this deponent saith that on the said Dr. Drever, senior, giving up the house and going to reside in the country, this deponent went along with him, intimating beforehand to the said David Ochterlony Dyce Sombre the circumstance, and the said David Ochterlony Dyce Sombre in consequence then removed his boxes. And this deponent saith the said Lord St. Vincent did use an Hotel in Park-street, but never during the short time this deponent resided in that street. And this deponent saith he shortly afterwards left London and went to reside in Shetland, having visited the said David Ochterlony Dyce Sombre at Lord St. Vincent's, at Meaford, on his way, and

40 found him apparently very happy with his Wife. And this deponent saith that the first indication he had of any change in the temper and disposition of the said David Ochterlony Dyce Sombre was in the postscript to a note, dated Paris, the 24th November 1841, he

Affidavit of
Dr. Drever.

received from the said David Ochterlony Dyce Sombre, such postscript being in the words or to the effect following, viz. : “ I particularly desire and beg of you to go to the Clarendon kindly, and look for my iron chest that is kept there, and see if it is all right ; do not call me suspicious, but do it. Ask for Lord Combermere’s picture, that ought to be at the same place, and the map of Hindostan ; but of course your object would be to see the iron chest in reality.” And this deponent saith that he received a letter from the said David Ochterlony Dyce Sombre, dated Birmingham, 24th December 1841, stating that he, the said David Ochterlony Dyce Sombre, was very anxious to have seen the deponent before he left town, and had called on him three or four times, and wished to speak to him, this deponent, very much. And this deponent saith, he afterwards received a letter from the said David Ochterlony Dyce Sombre, dated the 28th December 1841, to which the said David Ochterlony Dyce Sombre begged a reply by to-morrow’s post, appointing to meet this deponent at Birmingham ; and the said letter proceeds in the following words ; (that is to say) “ What I “ wish to say to you is this, which of course is in confidence, Lord St. Vincent and I are two “ different people, and as I said to you before, that you cannot be a friend to us both at the same “ time. Now I know you to be a man of honour. Let me ask you candidly if your uncle’s “ going to Clifton has anything to do with Lord St. Vincent, or any of his friends, for you “ must clear my mind on the subject, otherwise I feel very uneasy. Of course every one has “ a right to look after its own interest, but then let it be clearly understood so. One day, and “ that I believe will be very soon, you will know the reason why I wish it.” And this deponent saith, he believes the said letter was intended to have been delivered to this deponent at Cheltenham, where this deponent had gone by appointment to meet the said David Ochterlony Dyce Sombre, but that it was returned to the said David Ochterlony Dyce Sombre, who forwarded it to this deponent at Edinburgh in a letter, dated the Clarendon Hotel, 1st January 1842. And this deponent saith, he immediately wrote to the said David Ochterlony Dyce Sombre to assure him, as the fact was, that Dr. Drever’s, this deponent’s Uncle, going to Clifton was in no way whatever connected with Lord St. Vincent, his family or connexions, but wholly and solely on account of his, the said Dr. Drever’s, Wife’s health. And this deponent added a wish, that he could as easily remove the many other impressions which seemed to pass across the said David Ochterlony Dyce Sombre’s mind, and urged him to open his mind to this deponent, adding that deponent had been a good deal disappointed at seeing so little of Mrs. Sombre and the said David Ochterlony Dyce Sombre, and that he thought that this was his, the said David Ochterlony Dyce Sombre’s fault, as this deponent had been generally well received. And this deponent saith, he received an answer from the said David Ochterlony Dyce Sombre, dated the Clarendon Hotel, 6th January 1842, in which the said David Ochterlony Dyce Sombre said he had received this deponent’s letter, and rejoiced to hear that his, this deponent’s, uncle’s going to Clifton had no connexion with the said Lord St. Vincent, or any of his family. And this deponent saith, the said letter continued in the following words : “ Believe me, circumstances that have occurred to myself “ have made me so sensitive that I have no wish that any of my friends should have anything “ to say to both of us (that is, to his Lordship and myself,) at the same time, while for “ motives of their own, they would not scruple to make me their tool ; and however fine you

“ may imagine, and lucky for me to have made such a connexion as his Lordship ; but the less
 “ I open my lips on the subject the better. You commit yourself when you talk of my good
 “ dinners ; I never boasted of them ; but I do not deny that I am the person who wishes
 “ neither you, nor any of my friends, to come too often to me, for reasons of my own ; not that
 “ I am not aware that you are welcome to the houses of many families of the highest respectability. You, from good nature, can put up with insults, but this I cannot do, nor can see
 “ my friends be subject to it, though they may be directed from titled persons. I repeat to
 “ you here, that you were grossly insulted the day you met the Duchess of Leeds here, and
 “ though she was more known to me through Lord and Lady Stafford than to Mrs. D. S., yet
 10 “ my Indian blood would not allow me to put up with slights ; but no more of this for the
 “ present.” And this deponent saith, that he is totally ignorant of having received any slight
 from the Duchess of Leeds, or any other person at the apartments of the said David Ochterlony Dyce Sombre. And this deponent saith, he received another letter from the said David Ochterlony Dyce Sombre, dated the Clarendon, 11th January 1842, in the words, or to the effect following ; (that is to say) : “ Private.—My Dear Drever, I received yours of the
 “ eighth, yesterday, and I grieve to see from it that the impressions Lord St. Vincent and his
 “ family are anxious to give to my friends have unfortunately taken its effects upon you, for I
 “ have never been in the enjoyment of better health than I am at present, thank God ; though
 “ you say that my mind must be affected, for I take fancies, as you are pleased to style my
 20 “ sufferings. I would be very glad to see you indeed, and to open to you my mind, but it
 “ must be on two conditions, and unless you agree to both pray do not come ; one of these
 “ conditions would be secrecy, of course, even from your Uncle or any other person whatever ;
 “ and the other your sacred word of honour that you are capable and will carry me through
 “ the business without shrinking, for it must and will end in a duel, though it may be ten years
 “ hence. Write me this promise and come ; otherwise I better go to a priest and confess to him
 “ my sins and iniquities, and at all events he will pronounce his absolutions. Now if you begin
 “ to lecture and moralise me you better not write me at all, and I will understand you, or if
 “ you do not wish to mix yourself up in this affair there is no necessity for you doing ; you
 “ are not obliged ; but if you wish to come forward as a friend, I was never in want of one
 30 “ more than I am at this present moment ; but I tell you beforehand, it is a duty affair, though
 “ people of the highest titles are concerned in it. If you do come, let me know beforehand, and
 “ pray do not go to your own lodgings, but alight at an hotel, where you must see me
 “ only, and nobody else ; this must be a promise. There is a very nice quiet hotel behind
 “ Portland-place, and I believe called the Portland Hotel, where I could come and see
 “ you. Recollect it is much better to die with honour than to live in dishonour. Write me
 “ a reply with a composed mind ; I am as cool as a cucumber ; and believe me yours
 “ sincerely, D. O. Dyce Sombre.” And this deponent saith, he wrote and sent to the said
 David Ochterlony Dyce Sombre a reply in the words, or to the effect following ; (that is to
 say) : “ 25, Royal Crescent, Edin., 13th January 1842. My dear Dyce, I received your
 40 “ letter of the 11th instant this morning, and its contents grieve me not a little. I shall
 “ make my arrangement, and hope to be in London by Wednesday at furthest ; but whether
 “ my coming can be of any use to you is quite impossible for me to form any idea. In regard

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“ to the first condition, it would be an easy matter, as hitherto anything connected with your
 “ affairs entrusted to me has been confined to my own breast. In regard to the other, it is
 “ utterly impossible for me to give an opinion or make any promises. I most certainly would
 “ not allow you to submit to anything that an honourable man could be ashamed to own, but
 “ I must be the judge how far you are right in the ground you have taken up; and when
 “ anything of the kind has taken place, it is usual to state circumstances to the friend, and to
 “ be guided by his cooler judgment what steps ought to be taken. I most certainly shall
 “ not set to work to lecture or moralise; and if it can be any ease to your mind to apply to
 “ a priest, do so by all means; but depend upon it no earthly being can absolve you from any
 “ sins you may have committed, and nothing but a sincere and true repentance can ease your 10
 “ mind. My dear Dyce, I have never engaged in any business which I could wish to be kept
 “ secret; and therefore in coming to London I go without any reference to your affairs, and
 “ shall take up my residence in Argyll-street, and a letter addressed to the Club would find
 “ me the moment I reached, as I shall send for my letters, and whatever may pass between
 “ you and me shall remain confined to my own breast, unless you should wish it otherwise.
 “ Believe me, my dear Dyce, yours sincerely, *T. Drever*. If you answer this on Saturday
 “ I shall receive it on Monday.” And this deponent saith, that he received a reply from the
 said David Ochterlony Dyce Sombre in the words or to the effect following; viz. “ The
 “ Clarendon, 15th January 1842. Private.—My dear Drever, I received yours of the 13th
 “ this morning, for which I return thanks, but I am afraid your coming will do no good, and 20
 “ it may do harm, so pray do not come on my account. You do not seem to understand what
 “ I write; if you read my last letter over again, you will see in it that I have no wish to go to
 “ a priest for the sake of confession; but I said, if I am to tell you my secrets, and you only
 “ to give me a moral advice, I better go to a priest, who at all events will pronounce his
 “ absolution, which you cannot do; but if, on the other hand, you will stand my friend in
 “ a case where a duel must be the consequence, I want you very much, but I am afraid will
 “ not be able to persuade you, so your coming will put you to useless trouble. However,
 “ I hope I will find some one or other some day. Pray believe me yours sincerely,
 “ *D. O. Dyce Sombre*.” And this deponent saith, that he came to London in the month of
 January 1842, and saw the said David Ochterlony Dyce Sombre. And this deponent saith 30
 he found the said David Ochterlony Dyce Sombre a good deal changed in health; and
 having understood that the said David Ochterlony Dyce Sombre had been taking quinine
 and other medicines, this deponent thought they had affected his head. And this deponent
 saith, that the said David Ochterlony Dyce Sombre visited this deponent, and talked with
 every appearance of the deepest conviction of the infidelity of his said Wife; he said she
 had been unchaste before marriage, and that she and her Father knew it, and boasted of it;
 and on this deponent saying the thing was impossible, and that he would scarcely believe it
 if he heard the said Viscount and his Daughter say it, the said David Ochterlony Dyce
 Sombre said that as to that, he himself knew of her infidelity before he married her; to
 which this deponent replied by asking, if that were the case, why he had not told this deponent; 40
 and the said David Ochterlony Dyce Sombre replied, because he knew this deponent would
 then have tried to prevent the marriage; and this deponent remonstrated with the said

David Ochterlony Dyce Sombre, and said that if he had told him he should have been bound, if it were true, to have dissuaded him from the marriage; and if it were merely imaginary, then not to have allowed Lord St. Vincent to marry his daughter to a man who held such notions, without being informed of them. And this deponent saith, that the said David Ochterlony Dyce Sombre told this deponent that an opening had been made in the pavement near Captain Rous' door, to catch him in; and this deponent reasoned with the said David Ochterlony Dyce Sombre on the absurdity of these ideas, but he was not able to remove them. And this deponent saith, that on the 31st January 1842 he attended, at the request of the said David Ochterlony Dyce Sombre, a meeting of the friends of the said

10 David Ochterlony Dyce Sombre and Mary Anne Dyce Sombre, at the Clarendon Hotel; and that there were present at the meeting the present Earl of Lonsdale, then called Viscount Lowther, Viscount Combermere, Lord Marcus Hill, Sir Francis Burdett, Mr. Edward Swynfen Jervis (Mrs. Dyce Sombre's Brother), Mr. Thomas Hawe Parke (her Uncle), Mr. Fitzherbert, one of the trustees of Mr. Sombre's marriage settlement, the said Viscount St. Vincent, Doctor Locock (who had attended Mrs. Dyce Sombre), this deponent, and the said David Ochterlony Dyce Sombre. And this deponent saith, that at such meeting the said David Ochterlony Dyce Sombre told an incoherent story of his Wife's alleged infidelity, and asserted that she had been unfaithful both before and after marriage, and particularly with a Mr. Montgomery, on the occasion of a visit to the theatre, and that

20 a seat had been left for Mr. Montgomery at a dinner at Captain Rous', and that the said Mr. Montgomery had been concealed in the house; but on being asked what proofs he had of these things, he said she and her Father had confessed them, but he was quite unable to show any grounds whatsoever for his suspicions, and talked in a rambling manner on points which did not bear on the question of the said Mary Anne Dyce Sombre's infidelity, but showed a dislike to Lord St. Vincent, and he also mentioned the story of the hole in the road at Captain Rous'. And this deponent saith he was then perfectly convinced of the insanity of the said David Ochterlony Dyce Sombre. And this deponent saith, that at the said meeting a paper was drawn up to the effect, that the parties then present having given their patient attention to the various statements brought before them by

30 the said David Ochterlony Dyce Sombre, as tending to criminate his Wife, came to the unanimous decision that those statements had no foundation in any fact whatever, but seemed to have arisen in mere phantasy, arising, no doubt, from ignorance of the manners and habits of this country; and they felt it due to the unblemished character of his Wife solemnly to declare that the investigation, to which they had attended with the utmost impartiality, had fully convinced them of her entire innocence and purity, and that they feel themselves entitled to expect that such result of their deliberation should have the effect of dissipating such illusions for the future, and that the conduct of David Ochterlony Dyce Sombre towards his wife should be in unison with that ardent affection admitted by him towards her, and with the regard and respect due to an innocent and devoted wife.

40 And this deponent saith, that this deponent and he, this deponent, believes, Sir Francis Burdett, objected to the said paper on account of the suggestion that the fancies of the said David Ochterlony Dyce Sombre had arisen from his ignorance of the habits and manners

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of the Country, this deponent knowing that they could have no such origin, and that the said David Ochterlony Dyce Sombre was not ignorant of the habits and manners of this country ; but this deponent saith, he was prevailed on to put his signature to the said paper by its being suggested that it was intended and might be expected to have the effect of tranquillising and satisfying the mind of the said David Ochterlony Dyce Sombre. And this deponent saith, that the said David Ochterlony Dyce Sombre, after the said meeting, appeared considerably better, and this deponent soon afterwards left Town for Scotland. And this deponent saith, he was summoned to town as a witness before the Sudbury Election Committee, when he saw the said David Ochterlony Dyce Sombre, who seemed very much better ; and he, deponent, believes it was on this occasion that the said David Ochterlony Dyce Sombre showed this deponent an answer to an application he, the said David Ochterlony Dyce Sombre, had made, unsolicited and unknown to deponent, for an appointment for this deponent's nephew, which clearly showed what his feelings were at that time towards deponent. And this deponent saith, that on a subsequent occasion, in the month of August 1842, he, this deponent, made an application to the said David Ochterlony Dyce Sombre for some assistance for a relation, to which the said David Ochterlony Dyce Sombre returned a most kind reply. And this deponent saith, that in February 1843, on deponent being in London, and finding that said David Ochterlony Dyce Sombre was in a most excited and irritable state, and full of suspicions of this deponent, he, this deponent, wrote to him releasing him from his promise, as it was clear he had lost all confidence in deponent ; and this deponent received a reply from the said David Ochterlony Dyce Sombre, dated the 4th day of February 1843, and that such letter is in the words, or to the effect following ; (that is to say) : " My dear Drever, Your letter which was put into my hands this morning has certainly not astonished me a little, but a great deal. You cannot expect, however, that I could have done more in our intercourse than what I have done. Your letter is plain, and I shall answer you in the same style. I never heard of friendship being forced upon, nor secrets extracted, in the manner you desire. It is I who ought to complain, and not you. I do not know if I ever gave you to understand that I entrusted you with any secret of mine. No : you are right when you say, I trust no one ; that I do not. But to come to the point, and I have more reasons than one to complain of you, for when you came home in 1840, I looked for your friendship, and tried you, but you shrunk from it, and of course I would not press you,—even would not allow my boxes to remain in your rooms for the sake of offending Lord St. Vincent, and, on the contrary, looked to him for support ; for if you recollect (and that you must) that as soon as I had joined his family you gave up your lodgings and came to reside in the same street where he was. And then you talk of friendship and confidence. You must take me for an idiot. I cannot help saying—I tell you candidly and will not deceive you—that if there was any (for I at one time had named you one of my executors), it is all vanished. However, as you have been once in our family, I will never shake off my acquaintance unless you do it yourself. I must admit that I have always found your advice, whenever I had occasion to ask for it, to be sincere and honest ; but the times, my dear fellow, do not admit of that in our days. The maxim now is, to believe every one

“ a rogue till he has proved himself to be otherwise. I had found this out before I had
 “ been three months in England. There is another grand trial coming on between us—
 “ (you failed in the last, for you not only signed the paper you were asked to do, but
 “ went and told every word of it amongst your friends),—and that will be when those
 “ precious and inestimable jewels of my brothers-in-law arrive; however, I am not afraid
 “ of any one. I have never known a person yet who thought he had enough, let him have
 “ been ever so rich; whether I do so or not, is a different thing. However, there is a way
 “ to gain me, yet, if you choose to adopt it, but it is one that will test your independence.
 “ I was not aware that you were still in Town (for you talked of going to Portsmouth on
 10 “ the 1st to a certainty) till your letter came. If you wish to see me, of course I can
 “ have no objection to come to you. Yours truly, D. O. DYCE SOMBRE. Saturday, 4th
 “ February 1843. P. S. I was obliged to write by yesterday’s post to Craigie and D. Findon,
 “ to say, that as they had thought proper to deduct their own commission, and at such an
 “ high per-centage, that I must hold them responsible for the bill that has been dishonoured
 “ here. D. O. D. S.” And this deponent saith, that his giving up the charge of the said
 David Ochterlony Dyce Sombre’s boxes, and his residing with his uncle, Dr. Drever,
 took place as is hereinbefore stated; and the idea expressed in the lastly-stated letter of
 David Ochterlony Dyce Sombre, that it had reference to Lord St. Vincent, was purely
 imaginary, and without any reasonable ground whatever. And this deponent saith, that
 20 he never mentioned the subject of the paper signed at the Clarendon to any one until
 immediately previous to the inquisition in this matter. And this deponent saith, the said
 David Ochterlony Dyce Sombre had not before this time evinced any displeasure with
 this deponent for signing the said paper; and this deponent cannot understand why his
 doing so should have given offence to the said David Ochterlony Dyce Sombre if he had
 been in his right reason. And this deponent saith, that he believes the grand trial which
 the said David Ochterlony Dyce Sombre mentions in the said letter, alludes to some
 proceedings which the said David Ochterlony Dyce Sombre supposed his brothers-in-law
 would take against him, for which supposition this deponent believes there was no foundation.
 And this deponent saith, a few days after he left town; he did not see the said David
 30 Ochterlony Dyce Sombre again till the 31st day of July 1843, but he was informed that
 it had been found necessary, towards the end of March 1843, to put him under restraint.
 And this deponent saith he was summoned to town in the month of June 1843, to meet
 the said Peter Paul Marie Solaroli and John Rose Troup (who had married the two
 sisters of the said David Ochterlony Dyce Sombre) on their arrival in England. And this
 deponent saith, that he was on intimate terms with the said John Rose Troup and Peter
 Paul Marie Solaroli; and this deponent understood from the said Peter Paul Marie Solaroli
 that he had had an interview with the said David Ochterlony Dyce Sombre, who had
 behaved with great violence to him, and that the said Peter Paul Marie Solaroli was quite
 satisfied of the insanity of the said David Ochterlony Dyce Sombre. And this deponent
 40 saith, that no difficulty or objection was made to the said Peter Paul Marie Solaroli and
 John Rose Troup visiting the said David Ochterlony Dyce Sombre; and this deponent
 understood from them that their abstaining from visiting him was their own act, and was

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owing to the dislike the said David Ochterlony Dyce Sombre had on the occasion of the said visit of the said Peter Paul Marie Solaroli shown towards them. And this deponent saith he was present at the inquisition in this matter on the 31st July 1843, and was examined as a witness, and on that occasion this deponent gave evidence to the effect hereinbefore stated as to the habits and disposition of the said David Ochterlony Dyce Sombre in India, and as to what had passed between him and this deponent since their meeting in England. And this deponent saith, that from his experience as a medical man, and from his long and intimate acquaintance with the said David Ochterlony Dyce Sombre and with the natives of India, he is satisfied that neither the education and habits of the said David Ochterlony Dyce Sombre, nor his Eastern parentage, can account 10 for the delusions entertained by the said David Ochterlony Dyce Sombre, but that the same arose from insanity. And this deponent saith, that he believes the said David Ochterlony Dyce Sombre, during the time he was labouring under the above delusions (which are no more Indian than they are European, but which were clearly of a dangerous tendency, and of a nature to make the said David Ochterlony Dyce Sombre incapable of self-control in many ordinary and necessary situations of life), was capable of managing the ordinary routine of business, so long as that did not bring him in contact with any of the subjects of his delusion, or the persons against whom he had taken dislike. And this deponent saith, that the paper writings, marked Nos. 1 to 8 inclusive, now produced, and shown to this deponent, are the original letters received by this deponent from the said 20 David Ochterlony Dyce Sombre hereinbefore-mentioned; and that the paper writings, marked Nos. 50 to 52 inclusive, now produced and shown to this deponent, are copies made by this deponent of his, this deponent's, letters to the said David Ochterlony Dyce Sombre hereinbefore referred to.

THOS. DREVER, Jun^r.

Sworn at the Public Office, Southampton Buildings, Chancery Lane, in the County of Middlesex, this 24th day of June 1844,

Before me,

S. DUCKWORTH.

AFFIDAVIT OF SIR JAMES CLARK, M. D.

Affidavit of
Sir James
Clark, M. D.
Sworn 21st
June 1844.

SIR JAMES CLARK, of Lower Brook-street, in the county of Middlesex, M. D., maketh oath, and saith, that in the month of February 1843, he was called in to attend the said David Ochterlony Dyce Sombre, with reference to some pain about his heart, this deponent not being then aware that any doubt existed as to his sanity. And this deponent saith he first saw the said David Ochterlony Dyce Sombre on the 21st of the same month of February at the Clarendon Hotel, Bond-street, where he was then residing with his Wife, Mary Anne Dyce Sombre. And this deponent saith, that on a subsequent day of the same month he visited the said David Ochterlony Dyce Sombre again, and met there Dr. Conolly and Dr.
 10 Monro. And this deponent saith that on this occasion, during a long conversation, the said David Ochterlony Dyce Sombre stated his conviction that Mary Anne Dyce Sombre, his Wife, was unfaithful to him, and when asked what proofs he had of it he said that she had acknowledged it to him; and he also said that something was put into his food to injure him. And this deponent saith, that on the 25th of the same month of February he, this deponent, visited the said David Ochterlony Dyce Sombre alone, on which occasion the said David Ochterlony Dyce Sombre repeated his statements with respect to the conduct of his Wife and her admission of it, and added that the footman had also admitted it to this deponent on the preceding day; and the said David Ochterlony Dyce Sombre being asked by this deponent to explain in what way the footman had admitted it, the said David Ochterlony Dyce Sombre
 20 replied that he did so by standing on the stairs a step lower than this deponent. And this deponent saith, he visited the said David Ochterlony Dyce Sombre on the 28th March, and found him in a state of excitement; and on the said Mary Anne Dyce Sombre coming into the room, the said David Ochterlony Dyce Sombre told this deponent that he was visited by two Spirits, a good and an evil Spirit, and that one of them had desired him to throw the said Mary Anne Dyce Sombre's ring into the fire. He also talked much of a challenge which he wished his Wife to send to some one, and said she insulted him every minute of the day, and that she had insulted both him and this deponent; and being asked for explanation, he said she had insulted them by the manner in which she came into the room. And this deponent saith there was nothing in the manner of the said Mary Anne Dyce Sombre which appeared
 30 to this deponent to be insulting to any one. And this deponent saith, that on the 29th March 1843, he visited the said David Ochterlony Dyce Sombre, in company with Dr. Sutherland, and on that occasion the said David Ochterlony Dyce Sombre repeated the story about the Spirits, and said that a Spirit had twice knocked him off his horse in India; and although the said David Ochterlony Dyce Sombre, being afterwards pressed upon the subject, admitted that the affairs of the Spirits might be imaginary, he still adhered to his assertions respecting his Wife's infidelities, but without stating anything like a reasonable ground for them. And this deponent saith he was satisfied, from the improbability of most of the said assertions made by the said David Ochterlony Dyce Sombre with regard to his said Wife and

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himself, and from the absurdity of others, that the said David Ochterlony Dyce Sombre was insane. And this deponent saith, the said David Ochterlony Dyce Sombre showed such ungovernable violence towards his said Wife, and was at times so angry and excited, and so strongly possessed with his delusions in regard to her, that this deponent considered that there was great reason to expect he would attempt her life. And this deponent saith that the said David Ochterlony Dyce Sombre did not appear to be at all capable of restraining himself in regard to his said Wife, or of being restrained by any other means than force or authority; and this deponent therefore became thoroughly convinced that it was necessary for the said David Ochterlony Dyce Sombre to be placed under restraint, and he frequently urged the necessity of it upon the said Mary Anne Dyce Sombre, but found her very averse 10 to it. And this deponent saith, that on the 30th March 1843, a consultation took place on this subject between Dr. Monro, Dr. Sutherland, and Dr. Conolly and this deponent, in the presence of Lord St. Vincent, the Father of the said Mary Anne Dyce Sombre, Thomas Hawc Parker, Esq., her Uncle, Mr. Edward Ricketts, a Cousin, and Mr. Bartle John Laurie Frere, the Solicitor of the said Lunatic; and it was agreed by all the parties there present to be necessary that the said David Ochterlony Dyce Sombre should be put under restraint, and that it ought to be effected immediately, provided the consent of the said Mary Anne Dyce Sombre could be obtained. And this deponent saith that the consent of the said Mary Anne Dyce Sombre having been obtained, the said David Ochterlony Dyce Sombre was, on the same day, on the certificate of the said Dr. Conolly, and Dr. Sutherland and this depo- 20 nent, committed, at the Clarendon Hotel, to the charge of Dr. Domeier. And this deponent saith, that on entering the room to acquaint the said David Ochterlony Dyce Sombre with the measure, the said David Ochterlony Dyce Sombre exclaimed, "I know what you are come for; you are going to shut me up in a madhouse;" and he set himself down on the floor, and there remained in a state of great excitement as long as this deponent stayed in the room. And this deponent saith, that on the morning of the 1st April following, he, this deponent, visited the said David Ochterlony Dyce Sombre, with Dr. Conolly, on which occasion the said David Ochterlony Dyce Sombre insisted to this deponent that there had been a Ball at the Clarendon Hotel on the previous night, and that Mrs. Dyce Sombre had danced at it. And this deponent saith he was informed and believes that no Ball had taken 30 place at the Hotel, and he endeavoured to convince the said Lunatic of the fact, but that no proofs, or arguments, or assurances could satisfy him of it. And this deponent saith, that on a second visit, in the afternoon of the same day, he, this deponent, having been told that the said Lunatic had presented a pistol at one of his attendants, asked him if he really intended to shoot the man, to which the said Lunatic replied, "Not him;" and on this deponent asking whom he had intended to shoot, he replied, "Madam Sombre;" and added, that if this deponent had not come on Thursday night he would then have shot her, and she should have taken the other pistol and have shot him. And this deponent saith, the said David Ochterlony Dyce Sombre has since repeated the same thing to this deponent on several occasions, but he added more than once that he did not mean to kill her, only shoot her in the back. 40 And this deponent saith, he visited the said Lunatic on the 10th April, when he told this deponent that he had had a sad night with two Spirits; that he had seen the Heavens open,

and saw one of the Spirits rise from his grave, and that the Spirit desired him to do one of three things: the first, he said, was too bad, and he would not mention it; the second was to kill a cat in a particular manner; the third was to eat his own dirt; and the said Lunatic seemed impressed with these visions as being real occurrences. And this deponent saith that about the 11th of April the said David Ochterlony Dyce Sombre was removed to the Hanover Lodge, Regent's Park; and on the 16th he told this deponent that the Begum had appeared to him and had witnessed his marriage again; and on the 6th day of May he said to this deponent that the Blue Spirit had appeared to him, and told him that some person, whose name this deponent forgets, had given the Ball at the Clarendon; and he also told this

10 deponent that the Blue Spirit first appeared to him when he was seven years old, under a pomegranate tree, in the form of the letter "T." And this deponent saith, that about the beginning of the month of May the said Lunatic began to grow very impatient under confinement, and to insist on keeping in the house with the window-blinds drawn down, and he remained in bed till very late in the day, and only dressed in drawers and dressing-gown, and insisted upon taking all his food cold, and said he would not go out any more. And this deponent saith, that on the 10th day of May the said Lunatic declared to this deponent that Mrs. Dyce Sombre told him that her Father had had connexion with her in Hyde Park in the open day. And this deponent saith, that on the 17th of May he found the said Lunatic in the same state; he said he was visited by the Spirit every night; and this deponent having been

20 informed that he had dined the day before on what he called a State Ball, which consisted of bread and an apple (over which he burnt some brandy), and a glass of porter, this deponent asked an explanation, and was informed by him that he took this kind of dinner in order to put a stop to the Queen's Levee, and expressed his surprise that the Levee had notwithstanding taken place, saying he should protest against it. And this deponent saith, that on the 22d day of May the said Lunatic told this deponent that during a short sleep he had heard that Lord Cardigan had travelled to Rome with Mrs. Dyce Sombre before her marriage, and on the 29th day of May he told this deponent that he had had a high moral visit the preceding night; that he had been removed to a Lunatic Asylum, where he had seen some poor lunatics, and one old fine looking man dressed in an Indian costume, but without

30 a left leg; as this old gentleman passed him he struck the said Lunatic on the elbow with his hand, which awoke him, and at the moment the Spirit asked him if he knew who that was; he said No; when the Spirit answered, "It is George the Third," and the said Lunatic seemed as usual impressed with these visions as with real occurrences. And this deponent saith that the said Lunatic frequently mentioned to this deponent that his Wife's infidelities had taken place in Hyde Park with Sir Frederick Bathurst, and he was so strongly possessed with this notion that on its being proposed to him that a house should be taken for him in the neighbourhood of Hyde Park he objected to it, because he could not bear to be in constant view of the place of his own dishonour. And this deponent saith the said Lunatic frequently mentioned to this deponent various conditions upon which he would be willing that his said

40 Wife should return to him, and which conditions were of the most preposterous kind; and this deponent having desired the said Lunatic to put them in writing, he soon afterwards produced from his pocket a paper written in red ink, which he either gave or sent to this

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deponent, to be delivered by him to Mrs. Dyce Sombre, intimating that it contained the conditions for her return to him. And this deponent saith that the said paper is in the words or to the effect following, viz. :

1st. Let the H. B. of C. procure and furnish every requisite for passing a pleasant evening with a virgin of the same rank as the one now lost.

2d. Let Mr. E. J. produce another lady to receive the extinguishment (of rank).

3d. Let there be a duel of three fires at the place in H. P.

4th. Let Vis. Ct. St. V. procure a roan horse, well broke, for the occasion.

5th. When the ground has been consecrated by the duel I shall re-consecrate it with madam, and bring her back home on the horse.

10

D. O. D. S.

And this deponent saith that the said paper was either given or sent to this deponent by the said Lunatic, and was not taken by this deponent from a table where it had been left lying about in the manner which had been alleged by, or on behalf of, the said Lunatic. And this deponent saith that the contents of the said paper were not at all more wild or strange than the terms repeatedly proposed by the said Lunatic verbally to this deponent, as the terms upon which his Wife was to be taken back by him. And this deponent saith that the said David Ochterlony Dyce Sombre often expressed to this deponent a desire to have a public trial, at which he might bring forward his supposed grievances in regard to his Wife. And this deponent saith, that about a week before the opening of the Commission in this matter 20 he communicated to said Lunatic that there was to be a jury upon him, and made him understand that the object of the inquiry was to decide whether he was legally confined, and asked him whether he wished to have any legal adviser employed on his behalf; and the said Lunatic entertained a notion which this deponent in vain endeavoured to remove, that the Commission was a proceeding instituted against him by the East India Company. And this deponent saith the said Lunatic at first said he would have a Mr. Cochrane to attend on his behalf; and deponent thereupon made inquiries concerning the said Mr. Cochrane, and was informed that he was in India, which information this deponent communicated to the said Lunatic, and mentioned to him the names of several counsel of eminence; but the said Lunatic ultimately declined to name any one until he should have had the charges against him 30 in writing, all which this deponent communicated to the said Bartle John Laurie Frere, the solicitor of the said Lunatic. And this deponent saith that a day or two before the time appointed for executing the said Commission this deponent met the said Bartle John Laurie Frere and Peter Paul Marie Solaroli, who had married a sister of the said Lunatic, at Hanover Lodge, where the said Lunatic was then residing, and this deponent then delivered to the said Lunatic two letters addressed to him, one of them from the said Bartle John Laurie Frere, informing him of the nature and object of the said proceeding, and requesting to know if the said Lunatic would wish to see any counsel or solicitor for the purpose of giving him instructions on the case; and the other letter was from the said Peter Paul Marie Solaroli, offering his assistance on the occasion. And this deponent saith that the said 40

Lunatic returned to this deponent the letter of the said Peter Paul Marie Solaroli, and declined his assistance with marks of indignation, but he retained the letter of the said Bartle John Laurie Frere, though he gave no directions in consequence of it. And this deponent saith that he was present at the opening of the inquisition in this matter on the 31st of July 1843. And this deponent saith that before the case was gone into, in the absence of the said Lunatic, he, this deponent, was examined upon oath as to his, Dyce Sombre's, having been apprised of the nature of the said inquiry. And this deponent saith that after the case had been stated by counsel the said Lunatic came into the room, when this deponent was about to be examined, but the said Lunatic stopped the counsel, and required that this

10 deponent should be sworn; and this deponent having been accordingly re-sworn for his satisfaction, he immediately asked this deponent whether the Ball at the Clarendon Hotel had not taken place as he, the said Lunatic, had imagined, to which this deponent replied in the negative. And this deponent saith he continued to attend the said Lunatic till the 28th day of August, when this deponent left London, in attendance upon the Queen; and Mr. James Ronald Martin was appointed to attend the said Lunatic in this deponent's place. And this deponent saith, that up to the last time he saw the said Lunatic there was no amendment in his state of mind. And this deponent further saith, that on the 17th day of

20 June instant, at the request of the Committee of the Estate of the said Lunatic, he, this deponent, in company with Dr. Monro and Dr. Conolly, visited the said Lunatic at his lodgings in Half Moon-street, Piccadilly, in presence of Dr. Southey and Dr. Bright, the physicians appointed by the Lord Chancellor, for the purpose of ascertaining the present state of mind of the said Lunatic. And this deponent saith, that after a long examination this deponent found that the said Lunatic is still of unsound mind, and labours under the same delusions as he was under before and at the time of executing the Commission last year; and more particularly, this deponent saith that the said Lunatic again affirmed that the Earl of St. Vincent had told him that a servant had had connexion with his Wife, who is the said Earl's Daughter, at Dover, before her marriage, and that she had herself told him, the said Lunatic, that she had received men, from her Father down to Tradesmen; and the said Lunatic explained distinctly that by receiving men, he meant the having criminal connexion with

30 them; and the said Lunatic also insisted that he was told (but declined giving the authority), that his Wife had danced in an opera ballet before her marriage. And this deponent saith, that on such last-mentioned examination the said Lunatic admitted that the conditions upon which he would receive back his Wife were a duel of three fires with Sir Frederick Bathurst, and that he, the said Lunatic, should have connexion with her in Hyde Park, and that he should take her back from thence on horseback; he first said that it should be on a roan horse, but afterwards said that he should not insist upon that point: the said Lunatic further observed, that he did not know what he might have been driven to do to Mrs. Dyce Sombre; and he admitted it to be his belief that medicine had been put into his food to injure him. He stated that this deponent had advised him to call out Sir Robert Peel; he admitted that

40 he had dined on an apple and porter, in order to stop the Queen's Levee, and that when he afterwards heard that the Levee had nevertheless been held, he had thrown a decanter of wine through the window; he further insisted that the Acts of the House of Commons

Affidavit of
Sir James
Clark, M.D.

ought to be null and void, in consequence of his confinement: he would not admit that he ever had any belief in Spirits, and endeavoured to explain what had occurred on that subject, by referring it to the circumstance of the guardians having come into his room in the Regent's Park and disturbed him. He denied that he had at any examination in Paris expressed any opinion of Mrs. Dyce Sombre different from that which he had now given. And this deponent saith that the whole bearing and demeanor of the said David Ochterlony Dyce Sombre, and the statements which he made, and the expressions which he used during the last-mentioned examination, afforded, in the judgment of this deponent, ample proof of his mind being still possessed with all his old delusions. And this deponent saith that he is of opinion that the said David Ochterlony Dyce Sombre, without being in any degree cured 10 of his delusions, is quite capable (in the absence of evidence to contradict him) of dissembling his delusions, and of inventing plausible stories to explain and account for them to strangers. And this deponent saith that the manners of the said Lunatic, so far as this deponent has witnessed them, were in general remarkably quiet and self-possessed for ordinary purposes and occasions, having no relation to the delusions which possessed him, and that the same appear calculated to prepossess strangers in favour of what he said, and even to induce a belief that his extravagant ideas were not so totally destitute of foundation as they might first appear to be, and as they would have proved to be on a more intimate knowledge. And yet this deponent saith that during all the time this deponent has attended him his mind has been, and still is, possessed with such continuous rooted and dangerous 20 delusions as, in this deponent's judgment, must and do render him, the said David Ochterlony Dyce Sombre, notwithstanding the faculties which he possesses, decidedly incompetent to the management of himself and his affairs.

JAMES CLARK.

Sworn at the Public Office, Southampton Buildings, Chancery Lane, London, this
21st day of June 1844,

Before me,
N. W. SENIOR.

AFFIDAVIT OF DR. CONOLLY.

Affidavit of
Dr. Conolly.
Sworn 9th
Feb. 1844.

JOHN CONOLLY, of Hanwell, in the county of Middlesex, Doctor of Medicine, Physician to the Hanwell Lunatic Asylum, maketh oath and saith that he visited the above-named David Ochterlony Dyce Sombre professionally repeatedly during the months of February, March, April and May 1843, and that he this deponent was well acquainted with the nature of the disease of the said Lunatic, and signed the certificate for putting him under restraint on the 30th day of March 1843. And this deponent saith he hath carefully read a printed copy of a paper referred to in an affidavit sworn in this matter on the 6th day of January 1844, by Edgar Smith, purporting to be a copy of the report made by Doctors Behier, Bouneau
10 and Chermside as to the state of mind of the said David Ochterlony Dyce Sombre, and copies or briefs of the several affidavits hereinafter mentioned, respectively made in this matter, and sworn on the several days hereinafter mentioned, that is to say, two several affidavits of Etienne Luc Bertin, M.D., sworn respectively the 5th and 8th days of January last. The affidavit of Felix Voisin, sworn the 6th day of January last. The affidavit of Robert Verity, M.D., sworn the 4th day of January last. The affidavit of Joseph Francis Olliffe, M.D., sworn the said 4th day of January last. The affidavit of Marie Andre Ferrers, M.D., sworn the 6th day of January last. The affidavit of Jean Pierre Fabret, M.D., sworn the 9th day of January last. The affidavit of Alexander Marie Alfred Vallot, sworn the 6th day of January last. The affidavit of John Newing, sworn the said 6th day of
20 January last. Two several affidavits of Lewis Goldsmith, sworn respectively the 8th and 29th days of January last. The joint and several affidavit of Major Sir Henry Robartes Wyatt, Captain Henry Collier, Alexander Roper, Lieutenant Carlos, Arthur Henry Rumbold, Francis Walsh, and James Edward Jerningham, sworn the 13th day of January last. The affidavit of Warren Hastings Anderson, sworn the 27th day of January last. The affidavit of François Louis Schrader, sworn the 27th day of January last. The affidavit of Pierre Charles Huguier, M.D., sworn the 3d day of February instant. The affidavit of Edgar Smith, sworn the 3d day of February instant, and a certain paper marked (A.) therein referred to. The affidavit of George Freer Holland, a major-general in the East India Company's service, sworn the 4th day of February instant. The affidavit of Antoine Bryard,
30 sworn the 30th day of January last. The affidavit of Louis Lassieur Brequet, sworn on the 30th day of January last. Two several affidavits of Henry Martin, sworn respectively on the 1st and 4th days of February instant, and the affidavit of Le Baron Felix Fieullet de Conches, sworn the 1st day of February instant. And this deponent saith, that having attentively read and considered the said several documents, he, this deponent, saith that there is nothing stated in any or either of them inconsistent with the continued existence in the mind of the said David Ochterlony Dyce Sombre of the dangerous delusions with which he was affected during the whole time of this deponent's attendance upon the said David Ochterlony Dyce Sombre, and at the time when the Commission was held concerning

Affidavit of
Dr. Conolly.

him, the said David Ochterlony Dyce Sombre ; for this deponent saith that the said David Ochterlony Dyce Sombre was at that period capable of exercising control over his words and actions in matters relative to ordinary business, and, to a certain extent, even relative to his delusions, under the influence of a desire to obtain some advantage over those who had the care of him or who attended him. And this deponent saith he is of opinion that the hope of setting aside the Commission would enable the said David Ochterlony Dyce Sombre to exercise all the control over himself exemplified in the said several documents, without any abandonment of his delusive notions. And this deponent saith, that with respect to the said printed paper, with reference especially to the passage in the second page thereof, concerning the calmness with which the said David Ochterlony Dyce Sombre replied to 10 parts of the examination touching on the most delicate subjects connected with his delusions, it is to be observed that calmness upon such subjects more nearly resembles the insensibility of an unsound mind than the indications of an abandonment of delusions, which the said David Ochterlony Dyce Sombre undoubtedly at one time was afflicted with, and that nothing is said of any avowal being made of such delusions having existed, and having been given up. And this deponent saith, that in the same paper it is remarked, that Mr. Dyce Sombre entertained a susceptible, and almost punctilious respect for Mrs. Sombre, which a man does not entertain for a woman who has deceived him ; but this circumstance, in the opinion of this deponent, merely exemplifies an actual characteristic of the malady of the said David Ochterlony Dyce Sombre, and an inconsistency such as is only observed in an 20 unsound mind, because this deponent says the said David Ochterlony Dyce Sombre did in reality entertain the most extravagant suspicion of the fidelity of his said Wife. And this deponent further saith that it is to be observed, that of all the medical deponents, Dr. Huguier alone states, that during the whole period from the 15th of October 1843 to the 3d of February 1844, Mr. Dyce Sombre was labouring under bodily illness, abdominal inflammation and bronchitis, requiring Dr. Huguier's attendance three times a week. And this deponent saith that it would appear therefore that an examination of the bodily symptoms constituted no part of the examination of the other physicians who have testified to his perfect sanity, an omission which, in the opinion of this deponent, indicates an imperfect investigation of the circumstances on which their decision should have been founded. 30

J. CONOLLY.

Sworn at the Public Office, Southampton Buildings, Chancery Lane, in the county of Middlesex, this 9th day of February 1844,

Before me,

WM. HORNE.

SECOND AFFIDAVIT OF DR. CONOLLY.

Second
Affidavit of
Dr. Conolly.
Sworn 21st
June 1844.

JOHN CONOLLY, of Hanwell, in the county of Middlesex, Doctor of Medicine, Physician to the Hanwell Lunatic Asylum, maketh oath and saith that on Monday, the 17th day of June instant, he, this deponent, visited the said Mr. Dyce Sombre, and conversed with him for some time, in company with Sir James Clark and Dr. Monro, and in the presence of Dr. Southey and Dr. Bright, and on that occasion, in answer to observations made and questions put by this deponent to Mr. Dyce Sombre, it appeared that all his former impressions respecting the infidelity of his Wife remained in his mind, but with some change in the objects of his principal suspicions, his jealousy being now rather fixed on Sir Frederick Bathurst than on Mr. Montgomery, and also on Mr. Fraser (deceased); and he exhibited much irritation on being asked if he had not written kindly to her, and invited her to go to him in Paris. And this deponent saith that several questions were put to Mr. Dyce Sombre by Dr. Monro and Sir James Clark, in answer to which he acknowledged that he conceived his food had been poisoned when he was at Hanover Lodge, and that he believed Madam Dyce Sombre to have been extensively and notoriously profligate before marriage, giving as his authorities her Father, Lord St. Vincent, and herself. He acknowledged that he had dined one day on an apple, thinking it would occasion a Royal Levee to be put off, and that he was much surprised and very angry when he found that such result had not followed; that he considered the Acts of Parliament null, in consequence of his case not being considered; that he might possibly have shot Madam Dyce Sombre, if he had not been secured, or, more probably, would have challenged her; and that he thought Louis Philippe had latterly been less polite to him, in consequence of the Duchess of Kent's influence. And this deponent saith that in acknowledging these extravagances, Mr. Dyce Sombre did not speak of them, or appear to think of them, as if he was now in a sounder state of mind than formerly, or as if he had become sensible of their having been mere delusions. And this deponent saith that Mr. Dyce Sombre did not, on this occasion, as he had done formerly, persist in considering this deponent to be an agent of the East India Company; and he also now denied that he had ever believed in the suggestions and influence of Spirits, whose advice he thought he ought to follow; and he denied having sent a memorandum to the said Sir James Clark, containing the conditions on which he would again receive Madam Dyce Sombre, but on the memorandum being produced, he acknowledged it to be his writing, and read it with expressions of approval; and being questioned as to the proposition formerly made by him, to refer the question of his Wife's infidelities to the Jockey Club, and as to his conduct towards Dr. Elliotson, he refused to enter into those subjects at all. And this deponent saith that

Second
Affidavit of
Dr. Conolly.

throughout this interview the whole manner of Mr. Dyce Sombre, his opinions and expressions, convinced this deponent, and this deponent doth verily believe, that his mind continues unsound, and that his delusions have a tendency to violent and dangerous actions.

J. CONOLLY.

Sworn at the Public Office in Southampton-buildings, Chancery-lane, in the county of Middlesex, this 21st day of June 1844.

Before me,

N. W. SENIOR.

AFFIDAVIT OF DR. MONRO.

Affidavit of
Dr. Monro.
Sworn 12th
Feb. 1844.

EDWARD THOMAS MONRO, of Harley-street, in the County of Middlesex, M. D., Physician 10
to Bethlem Hospital, maketh oath and saith, that he attended the said David Ochterlony
Dyce Sombre several times in the month of February 1843, and again saw him in July
1843, and is well acquainted with the nature of the insanity of the said David Ochterlony
Dyce Sombre as it then existed. And this deponent saith, he has had submitted to him a
printed statement of an examination which is alleged to have taken place into the mental
state of the said David Ochterlony Dyce Sombre, in Paris, before the Prefect of Police, on
the 13th day of October 1843; and also various affidavits made by a great variety of per-
sons, physicians, acquaintances of the said Dyce Ochterlony Dyce Sombre, shopkeepers, his
valet, and the master of the hotel where he lodged for some time in Paris. And this
deponent saith, he hath given to the said statement and affidavits his earnest attention and 20
consideration. And this deponent saith, that the case of the said David Ochterlony Dyce
Sombre was very strongly marked in July last, and wore a very settled and determined
character; it was pregnant with the seeds of much risk and danger to Mrs. Dyce Sombre,
from the peculiar nature of the delusions under which he distinctly laboured with reference
to her and her supposed want of conjugal fidelity. And this deponent saith, he never wit-
nessed a more glowing picture of pure insanity than was displayed by the said David
Ochterlony Dyce Sombre, when this deponent visited him in the month of February. And
this deponent saith, that impressions of this description, which have taken deep root and have
gradually gathered head, are not easily eradicated, however they may be apparently in abeyance
under the temporary influence of some very urgent motive for suppressing them. And this 30
deponent saith, he can well believe that examinations may be conducted by skilful physicians,
and may not after all detect a latent delusion, such as that of the said David Ochterlony
Dyce Sombre, especially when under the disadvantage of examining a patient who under-
stands imperfectly, and cannot express himself in the language they speak, and when a
thousand minute shades of difference may unintentionally be thrown round the replies by
the difficulty of interpretation. And this deponent saith, the cunning and power of conceal-

ment possessed by many insane persons is very great, and they become aware, after a time, of the points respecting which they are considered defective, and display a very wonderful tact in eluding a very rigid investigation. And this deponent also saith, that the belief of the said David Ochterlony Dyce Sombre in his delusions is so great, and his manner at times when conversing of them so calm, that a person unacquainted with the true state of the case might be very readily persuaded that what the said David Ochterlony Dyce Sombre says is true, although in fact the mere creations of his fancy. And this deponent saith, that the affidavits in question bear testimony to the good manners and gentlemanly deportment of the said David Ochterlony Dyce Sombre, and state that he plays a good game at whist ;

10 conducts himself with propriety at dinner and at the theatre ; that he never appears embarrassed or disturbed by the questions put to him ; that he can choose a watch, his clothes, or a cabriolet, and settle an account, and is prudent and careful in the expenditure of money, and does not suffer himself to be overcharged. And this deponent saith, these powers of mind, if they may be so termed, are all perfectly compatible with insanity, and are continually found to exist in persons confessedly of unsound mind. And this deponent saith, that in the case of Lord Portsmouth, which excited so much attention 21 years ago, many properties and accomplishments of this nature were proved and admitted, but did not weigh against proof that his Lordship was unsound in mind in other respects. And this deponent saith, such capabilities of mind may exist in a man in whom there are at the same time

20 existing all such morbid impressions, and ungrounded hallucinations, as totally to incapacitate him for the duties of life, in a large point of view ; warp his better judgment in important matters, the disposition of property and regulations of his family affairs, and render him dangerous to the life and safety of those dearest to him. And this deponent saith, the said David Ochterlony Dyce Sombre is possessed of very pleasing manners, a mild demeanor and gentlemanly deportment. And this deponent can easily believe that he may win the regard of those who witness his afflictions, and that their better judgment may be dazzled by exterior and superficial qualities. And this deponent saith, that his own opinion, therefore, as a medical man of considerable experience in cases of insanity, would be scarcely influenced at all by witnesses of the last-mentioned description. And this depo-

30 nent saith, the mental condition of the said David Ochterlony Dyce Sombre has been recently from his, this deponent's, own observation, very unsound and fraught with dangerous tendencies, and he therefore feels it to be very important that great care be taken in order to arrive at a just conclusion as to his present condition.

EDWARD THOS. MONRO.

Sworn at the Public Office, Southampton Buildings, Chancery Lane, in the county of Middlesex, this 12th day of February 1844.

Before me,

R. RICHARDS

SECOND AFFIDAVIT OF DR. MONRO.

Second
Affidavit of
Dr. Monro.
Sworn 21st
June 1844.

EDWARD THOMAS MONRO, of Harley-street, in the county of Middlesex, M. D., maketh oath and saith, that on the 17th day of June instant, he, this deponent, by direction of the Committees of the said Lunatic, and by special order of the Lord Chancellor, in company with Sir James Clark and Doctor Conolly, visited the said David Ochterlony Dyce Sombre at his residence, No. 16, Half-moon-street, for the purpose of inquiring into and ascertaining his present state of mind. And this deponent saith, that such inquiry was conducted in the presence of Dr. Bright and Doctor Southey, physicians, appointed by the Lord Chancellor to visit the said Lunatic, and the same lasted above an hour. And this deponent saith, that the said Lunatic exhibited all the same species of delusions which this deponent had witnessed 10 in him in 1843. And this deponent saith, in particular, that the said Lunatic, being questioned on the subject of the supposed infidelity of his Wife, stated that Lord St. Vincent, his Wife's Father, had told him that she had received a valet before her marriage, meaning, as he afterwards explained, that she had done so criminally and incontinently, and that she herself had owned that she had received men in like manner, from her Father down to Shopmen. And this deponent saith, that the said Lunatic further stated, that pernicious things had been put into his food at the Clarendon Hotel and at Hanover Lodge, meaning, as this deponent understood, in 1843, that such things were administered to him for the purpose of producing impotency, and giving no different interpretation on this occasion, although the term impotency was not now employed. And this deponent saith, that a letter, written by 20 the said Lunatic in 1843, containing a challenge to Sir Robert Peel, having been produced by Sir James Clark to the said Lunatic, the said Lunatic justified it by saying that, as he could not obtain justice from inferior authorities, he thought it right to demand it from the higher. And this deponent saith that the said Lunatic, being questioned by Sir James Clark why he had thrown his Wife's ring into the fire, he justified it, saying, she could have no use for it, meaning, as deponent understood, that her infidelity disqualified her from wearing it. And this deponent saith, that the said Lunatic justified his acts of violence towards his Wife, which he said would be in proportion to the proofs of her misconduct, and that he might have gone great lengths in proportion to the amount of his discoveries, or used expressions to this effect. And this deponent saith that several parties 30 were named to the said Lunatic, as having been objects of his suspicions, as to their having had criminal intercourse with his Wife; and he was asked to state the grounds of his suspicions. And this deponent saith the said Lunatic did not deny his suspicions, but appeared to be unable to give, and that he did not, in fact, give any reasonable explanation of the same whatever. And this deponent saith that a paper was referred to by Sir James Clark, which had been written by the said Lunatic, and which had been given into Sir James Clark's possession on a former occasion, containing several conditions upon which the said Lunatic would receive his Wife back again, the contents of which were of a very wild and incoherent nature. And this deponent saith the said David Ochterlony Dyce Sombre did

not admit that he had given the said paper to Sir James Clark, insisting that the said Sir James Clark had taken it, but he admitted that it did contain the terms upon which he would receive his Wife back ; and one of such conditions was in terms expressly admitted as intended to convey a suggestion that she should submit to his having carnal connexion with her publicly in Hyde Park, and ride home on horseback. And this deponent saith that the said Lunatic, being questioned as to his violent conduct towards Dr. Elliotson in 1843, declined to answer, because he said there was no proof of it before the parties then present ; and he also declined, for the same reason, to explain what he meant by a proposal contained in a letter written by him to his Wife, from Paris, that their differences should be referred
10 to the Jockey Club. And this deponent saith that the said Lunatic said that His Majesty Louis Philippe had changed his conduct towards him, the said Lunatic, from the time of the Duchess of Kent's arrival in Paris, and that he suspected the Duchess of having influenced the King against him. And this deponent saith he is firmly convinced that the said Lunatic is still of unsound mind, and labouring under delusions which incapacitate him for many of the ordinary duties and relations of life, and render him highly dangerous. And this deponent saith that the present state of the said David Ochterlony Dyce Sombre is in this deponent's judgment, a state of decided and undoubted insanity.

EDWARD THOS. MONRO.

Sworn at the Public Office, Southampton-buildings, Chancery-lane, in the county of
20 Middlesex, this 21st day of June 1844,

Before me,
N. W. SENIOR.

AFFIDAVIT OF DR. ELLIOTSON.

JOHN ELLIOTSON, of Conduit-street, in the county of Middlesex, Doctor of Medicine, maketh oath, and saith, that towards the end of the month of February 1843, a card, with the name of Dyce Sombre upon it, was left at his, the deponent's, house in Conduit-street aforesaid, and on the following day, on the Sunday, this deponent was told by his servant that the gentleman who had left the card was in the dining-room. And this deponent saith he went into the room, and saw a dark looking man, who this deponent afterwards found
30 was the said David Ochterlony Dyce Sombre, but who was at that time a perfect stranger to this deponent. And this deponent saith the said David Ochterlony Dyce Sombre said, "Are you Doctor Elliotson?" And this deponent saith he told the said David Ochterlony Dyce Sombre that he was Doctor Elliotson, and invited him to be seated ; but the said David Ochterlony Dyce Sombre said again, "Are you Doctor Elliotson?" to which this deponent replied as before ; the said David Ochterlony Dyce Sombre, however, again repeated, in a still more peremptory manner, "Are you Doctor Elliotson?" to which this

Affidavit of
Dr. Elliotson.
Sworn 21st
June 1844.

Affidavit of Dr. Elliotson. deponent replied, "Yes, I am Doctor Elliotson; what is your business with me?" And this deponent saith the said David Ochterlony Dyce Sombre said, "You know what I come for;" to which this deponent replied, "No, indeed I do not; I never saw or heard of you before; how can I know what you come for." And this deponent saith the said David Ochterlony Dyce Sombre said, "You do know very well;" and, after a pause, added abruptly, "Give me more of the society of my Wife." And this deponent said, "How can I do that; I do not know the lady;" the said David Ochterlony Dyce Sombre repeated, "Let me have more connexion with my Wife;" and this deponent replied, "I do not know even the lady's name; what was it before her marriage?" And this deponent saith the said David Ochterlony Dyce Sombre said that his Wife's maiden name was 10 Devisne, but immediately corrected himself, and said it was another name, which this deponent has forgotton. But this deponent saith that he is quite positive the name was not Jervis, which he had since been told was Mrs. Dyce Sombre's maiden name. And this deponent saith that, after some moments' recollection, he, this deponent, said, "I have never known any lady of the names mentioned." And this deponent saith that the said David Ochterlony Dyce Sombre said a little more, showing that he conceived this deponent to have some power over his said Wife, and said that this deponent had mesmerized him, or her; and then he said, "You shall fight me;" to which this deponent replied, that he could not without some cause. And the said David Ochterlony Dyce Sombre said 20 again, "Yes, you shall fight me;" and thereupon this deponent opened the door to let the said David Ochterlony Dyce Sombre out of the room. And this deponent saith the said David Ochterlony Dyce Sombre turned round before the servants in the hall, having a stick in his hand, saying, "I will insult you before your servants, and you must fight me." And this deponent saith that he had no previous acquaintance whatever with the said Lunatic, or with his Wife, and had no communication of any kind with either of them. And this deponent saith that the manner of the said David Ochterlony Dyce Sombre, during the extraordinary interview above detailed, was very excited, and in all respects that of an insane person. And this deponent saith, that shortly after this interview, a gentleman named Ricketts called, on the part of the friends of the said David Ochterlony Dyce Sombre, to warn this deponent that the said David Ochterlony Dyce Sombre had purchased pistols. 30 And this deponent expostulated with the said Mr. Ricketts on the impropriety of leaving the said David Ochterlony Dyce Sombre at large. And this deponent lastly saith that, speaking as a medical man of considerable experience, he has no hesitation in stating it as his opinion that, at the period above referred to, the said David Ochterlony Dyce Sombre was dangerously mad, and unfit to be entrusted with the management of himself and his affairs.

JOHN ELLIOTSON.

Sworn at the Public Office, Southampton-buildings, Chancery-lane, in the county of Middlesex, this 21st day of June 1844.

Before me,
N. W. SENIOR.

Affidavit of JAMES RONALD MARTIN, Esq.

Affidavit of
J. R.
Martin, Esq.
Sworn 24th
June 1844.

JAMES RONALD MARTIN, of No. 71, Lower Grosvenor-street, Grosvenor Square, in the county of Middlesex, Esquire, formerly a Surgeon in the service of the Honourable East India Company, on their Bengal Establishment, and late Presidency Surgeon of Calcutta, in the province of Bengal, but at present on the retired list of surgeons on pension, and now and for some time past practising as a consulting surgeon in London, maketh oath and saith, that he, this deponent, is acquainted with the above named David Ochterlony Dyce Sombre, who was introduced to this deponent in or about the year 1838, then residing in Calcutta, by letter from Major-General Cartwright, then commanding at Delhi, and that in
10 consequence thereof he, this deponent, occasionally saw the said David Ochterlony Dyce Sombre in Calcutta. And this deponent further saith, that having been professionally called upon to attend the said David Ochterlony Dyce Sombre towards the latter part of August 1843, in consequence, as this deponent was informed, of his, the said David Ochterlony Dyce Sombre's then medical attendant, Sir James Clark, having been obliged to leave town, and of the wish expressed by the said David Ochterlony Dyce Sombre that deponent should attend him, he, this deponent, repeatedly visited the said David Ochterlony Dyce Sombre at his then residence, at Hanover Lodge, Regent's Park, on various days, as this deponent believes, on and between the 28th day of August and the 17th day of Sep-
20 tember 1843. And this deponent saith, the said David Ochterlony Dyce Sombre acquainted this deponent that his Wife, Mary Anne Dyce Sombre, had been unfaithful both before and after marriage, and related other circumstances connected with her, in a manner which convinced this deponent that the said David Ochterlony Dyce Sombre was not of sound mind. And this deponent saith that Charles Edward Trevelyan, Assistant Secretary of Her Majesty's Treasury, brought to this deponent a draft of a memorial, which he, the said Charles Edward Trevelyan had presented to the Directors of the East India Company, praying that Board to interfere in order to obtain the liberation of the said David Ochterlony Dyce Sombre, whom the said Charles Edward Trevelyan conceived to have been improperly confined. And this deponent saith, that to afford the said Charles Edward Trevelyan an opportunity of judging of the true state of the case, he, this deponent, took
30 him to visit the said David Ochterlony Dyce Sombre at Hanover Lodge. And this deponent saith, the said David Ochterlony Dyce Sombre and Charles Edward Trevelyan conversed together for a considerable time, in a manner which would not have led any one to suppose that the said David Ochterlony Dyce Sombre was insane. And this deponent saith, that this deponent, after a time, asked the said David Ochterlony Dyce Sombre if he did not wish to consult Mr. Trevelyan on his private affairs; and thereupon the said David Ochterlony Dyce Sombre said that he did, and then informed the said Mr. Trevelyan that Mrs. Dyce Sombre, his Wife, had had carnal connexion with her Father, Lord St. Vincent, and that he, the said Lord St. Vincent, had confessed it to the said David Ochterlony Dyce Sombre; and the said David Ochterlony Dyce Sombre was proceeding in his narrative and
40 remarks, but the tone, and manner, and nature of this communication appeared to be suffi-

Affidavit of
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cient to convince Mr. Trevelyan that the said David Ochterlony Dyce Sombre was not sane, and the said Mr. Trevelyan soon after left the room with this deponent, saying to the said David Ochterlony Dyce Sombre, he feared he could be of no use to him. And the said Mr. Trevelyan afterwards informed this deponent he should withdraw his memorial to the East India Company. And this deponent saith that during his acquaintance with the said David Ochterlony Dyce Sombre in India, he was not aware that the said David Ochterlony Dyce Sombre was affected by any unnatural or insane prejudice or jealousy. And this deponent further saith, that on one occasion the said David Ochterlony Dyce Sombre stated to the deponent that a Peerage had been offered to him, the said David Ochterlony Dyce Sombre, by Sir James Clark, on the part of Her Majesty, if he, the said David Ochterlony Dyce Sombre, would agree to take no notice of his Wife's delinquencies; but this offer he, the said David Ochterlony Dyce Sombre, declared that he had declined. Some persons, he said, thought very little of such matters, but he, the said David Ochterlony Dyce Sombre, thought a great deal of them. And this deponent saith that on another occasion the said David Ochterlony Dyce Sombre made it a condition of permitting his Wife to call at Hanover Lodge, that this deponent should first call upon Sir Frederick Bathurst to fight a duel with the said David Ochterlony Dyce Sombre, this deponent being requested to be the said David Ochterlony Dyce Sombre's second on the occasion. And this deponent saith, that for this challenge the said David Ochterlony Dyce Sombre alleged as a reason that Sir Frederick Bathurst had long been in the habit of carrying on a criminal conversation with his, the said David Ochterlony Dyce Sombre's, Wife, and that on one occasion the said Sir Frederick Bathurst had lived with her for three days. 10 20

J. R. MARTIN.

Sworn at the Public Office, Southampton Buildings, Chancery Lane, in the county of Middlesex, this 24th day of June 1844,

Before me,

S. DUCKWORTH.

Report of Dr. BRIGHT and Dr. SOUTHEY.

My Lord,

London, 24 June 1844.

IN the matter of Mr. Dyce Sombre we have to report to your Lordship that we have had several interviews with that gentleman, and been present while he has been examined by various physicians.

Although it is probable that he is now much better than he was at the time the Commission issued, we are of opinion that Mr. Dyce Sombre still labours under certain delusions, which influence his conduct and conversation, and consequently, cannot at present be considered of sound mind.

We have the honour to be,

To the Lord High Chancellor,
&c. &c. &c.

Your Lordship's faithful Servants,

J. BRIGHT.

H. H. SOUTHEY. 40

LORD LYNTHURST'S JUDGMENT,

On hearing Mr. DYCE SOMBRE's first Petition for a Supersedeas of the
Commission of Lunacy.

8th August 1844.

The Lord Chancellor.—This case was argued at very great length at the Bar, and a great quantity of evidence, consisting of affidavits and documents, was laid before the Court, in support of the allegations on the one side and the other. I have read and considered them with that attention which the importance of the subject appeared to me to demand. It is a question with respect to which I have felt much interest and anxiety, not merely on account
10 of its relation to the interests of the individual whose soundness of mind is the subject in question, but also because it is supposed that the decision of this Court, or rather the verdict of the jury upon the Commission issued under the authority of this Court, was at variance with the opinion expressed by those medical persons, men of great skill and science, who, under the authority of the Prefect of Police, made a report with respect to the state of Mr. Dyce Sombre's mind in the month of December, in Paris.

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Two questions, main questions, have been argued on this occasion, and I think very properly argued: the first question is, whether Mr. Dyce Sombre ever was of unsound mind; whether the finding of the jury upon the inquisition as to the unsoundness of his mind can, in fact, upon the evidence, be supported; and in the next place, as a second and material
20 question, whether, supposing him to have been of unsound mind at that period, he has recovered his self-possession, and is at this moment of sound mind, or whether he is in a state fit to be entrusted with the management of his affairs, and with the care of his own person. Those are the two main questions which have been agitated and discussed in the course of this extended inquiry.

With respect to the first question, it is material, in consequence of the observations which were made in the course of the argument at the Bar, to advert for a few moments to the history of this gentleman. He is of Asiatic origin, with a mixture of European blood in his veins; he was descended, I think, from a gentleman who was a German by birth, in consequence of a connexion with a native woman; he was either the Grandson or the Great
30 Grandson, as I collect from the affidavit of Dr. Drever, of that gentleman; he was connected by marriage with the Begum Somroo, in consequence of which he was taken into her family, brought up in her Zenana, and became a favourite with her.

At an early period of life he appears to have been sent, for the purpose of education, to Meerût, a distance of a few miles from the residence of the Begum; he was there entrusted

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to the care of a Mr. Fisher, the chaplain to the East India Company, and in their service. That gentleman had a wife and family of children; and he lived with them for a period of four years, or about that time. He was educated by Mr. Fisher, and he appears to have profited by that education, for he writes English with great precision and accuracy, and although blunders may occasionally be detected, they are blunders resulting from the haste with which his letters are apparently written. I have conversed with him, and the witnesses who have given their evidence have also conversed with him, and I find that, although he has a hesitation in his manner, he speaks, and, as I think, understands the English language very accurately. Such is the history of this gentleman. When he came to mature age he was entrusted by the Begum with very considerable authority, and ultimately she gave up 10 her Dominions to him, and he was appointed her Heir. During this period he associated principally with English people, with the civil and military servants of the East India Company, who resided at Meerût and its neighbourhood; he wore the English dress, became familiar with English manners, and on the death of the Begum in the year 1836 he removed to Calcutta, where he resided for about a twelvemonth, still continuing the society of the English residents of that place. He came to Europe in the year 1838, passed some of his time in England, went to the Continent, remained there till the year 1840, having come here, I believe, in the year 1839, but having gone back again to the Continent, and in the year 1840, in the month of September in that year, the marriage between him and Mrs. Dyce Sombre took place. He appears therefore to have been educated to a considerable extent in English 20 manners, to have become acquainted with the English language, with the habits of European society, and although an Asiatic by birth, and in a great degree by descent, it cannot to any extent, I think, be considered that he was not acquainted with the character of society and the manners of society in Europe. Having stated this, I must, on the other side, say that it is quite clear that one of the prejudices, or one class of opinions, existing among Asiatics appears to have taken deep root with him, namely, the feeling of jealousy with respect to female connexion: it displays itself during his courtship with Mrs. Dyce Sombre in a very strong way; it displays itself in particular circumstances, evidenced in a manner too clear to admit of dispute. He had a strong feeling of jealousy, a deep-rooted feeling of jealousy, which it was impossible, I apprehend, in consequence of his early habits and 30 associations, to get rid of and to eradicate. It is not for me to say anything with respect to the prudence of the connexion; it is not a question before me. After the treaty had gone on for a considerable time, Mrs. Dyce Sombre, having originally rejected his offers, accepted him for her Husband. He was dissatisfied with her conduct in going out to parties with her Father, unaccompanied by himself, and he evinced his jealousy in a variety of ways, so much so that it made such a deep impression on the mind of the lady that she broke off the connexion, in consequence of which he went abroad. He went, I think, to Vienna; she expected that he would return; he did not do so; she wrote a letter, that letter brought him back, and the negotiation, the treaty, was renewed; she again accepted him as her Husband. Some dispute took place with respect to a point of considerable delicacy, namely, the educa- 40 tion of the children. It had been originally agreed that the Boys should be educated in the Catholic Religion, the Girls in the Protestant. He insisted on another term, which was

that if there were no male descendants, the Girls should be educated in the Catholic Religion. She considered this a breach of the engagement they had entered into, and she again broke off the connexion. He was amazingly irritated at this, tore up the licence, and expressed himself in the strongest terms, and sent a challenge to Lord St. Vincent. Two days afterwards he repented of what he had done; he sent a letter expressing his contrition in the strongest terms, and apologising for his conduct. The affair was arranged, and the marriage took place.

Such is the history of the case up to the time of the formation of this connexion. Almost immediately afterwards they went abroad. They went abroad with the intention of passing the winter in Italy. They went in the first instance to Brussels. Mrs. Dyce Sombre there
10 became extremely ill; she was not able to leave her house for a period, I think, of about eight weeks, during the whole of which time he behaved to her with the utmost kindness and affection; and from the time of the marriage up to this period he was incessant in his attentions. They seem to have been much devoted and strongly attached to each other. It was found impossible to prosecute the original intention of going into Italy; the physicians opposed it, and she returned to London. They went to the Clarendon Hotel; they there saw various society during the winter, and remained in London on the same footing, and on the same terms, up to the month of April. She discovered nothing whatever to lead her to suppose that there was anything of infirmity in his mind. She knew of his jealousy previous
20 to her marriage, and the same feeling continued after the marriage: he said there could be no true love without a mixture of jealousy; but neither before nor after the marriage, up to this time, had there been the slightest indication, according to her apprehension, of any thing like infirmity or unsoundness of mind. In the month of April they left London for the purpose of paying a visit to Strathfieldsaye, to Meaford, and I believe the Marchioness of Hastings, at Donnington Park. The first thing that occurred to awaken her alarm was a circumstance which Mrs. Dyce Sombre mentions in her affidavit, in the carriage. She was looking for a volume of "Lodge's Pecrage;" she asked for it, and it could not be found. "Oh," he said, "I took it into Bond-street, and held it out to the passers by; several
30 persons looked at me, and did not take the book, but at last a person took it, and walked away with it." She was astonished at this statement, and alarmed, and agitated, but of course she took no notice of it; it, however, made a deep impression on her; she could not conceive in what this had originated. They went on to Meaford, and from Meaford they went to Donnington Park; they were received by the Marchioness of Hastings, and stayed there two or three days. On the day when they quitted he made, what he called, a confidential communication to the Marchioness: he stated to her that his Wife had been a very profligate woman, and had had intercourse with all kinds of persons, both before and after her marriage. Lady Hastings was anxious to undeceive him; she said she was an intimate friend of hers, that she had known her long, that there was not the slightest foundation for the imputation; but her endeavours were all in vain. She communicated this to Mrs. Dyce
40 Sombre, which of course increased her alarm and her anxiety. They returned to Meaford, to her Father's. Nothing particular passed for a day or two. One day after dinner, when the family were assembled at table, he repeated what he had said to the Marchioness of

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Hastings, and said that Lord St. Vincent and Lady St. Vincent knew of it all, and had encouraged her in it. This, of course, produced great agitation, and a scene of much expostulation and remonstrance, and he signed a paper, but with great reluctance; with apparent reluctance he signed a paper, stating that what he had said was incorrect. She was anxious to get to London; they returned to London; Dr. Chambers was sent for; medical attendance was required, and for a little time things went on as usual. In the course of the summer they went to Worthing. At different periods in the interval he had broken out with some violence, renewing his accusations. At Worthing the excitement became more intense, and he charged her with great bitterness, and with great violence, of misconduct both before and after marriage. They returned to London from Worthing; they mixed in society; her life 10 was rendered unhappy by his acts of violence, and the accusations made against her, but still they went on mixing in society. They dined with a large party at Mr. Quintin Dick's, I think it was in the month of July in that year; he was much pleased with the society there, and told her to invite such of the company as she pleased, to meet them at their box at the theatre on the following night. She accordingly invited several persons, and amongst others a Mr. Montgomery, with whom she was slightly acquainted, and she asked Mr. Montgomery to bring his sister with him, as she was not of the party. Nothing further took place: I mention this because this is an occurrence to which reference was afterwards made. The party assembled, according to the invitation, at the theatre: the evening passed off agreeably; Mr. Montgomery did not continue in the box during the whole of the evening, but he 20 returned, and handed her to her carriage, and there the matter terminated. A short time afterwards they received an invitation to dine with Captain and Mrs. Rous; they went there, and in passing near the house of Captain Rous there was a hole in the street, in consequence of some workmen being employed either on the gas pipes or the sewer, or in some other way; he took some general notice of it, but nothing particular, and they went to the dinner: the dinner passed off as these things usually do, and they returned home.

The autumn had now approached, the season for quitting London, and they determined on going abroad, and passing the winter at Paris, after making a tour to Berlin. Mr. Dyce Sombre seemed in very good spirits at that time; everything was going on well and smoothly; he enjoyed his journey extremely; but on his approach to Berlin he suddenly said, "I feel 30 that I am going mad, and that I shall die in a madhouse." At that time there was great alarm felt. When he arrived at Berlin he behaved with extreme violence, charged her with having had connexion with various persons of every description, both before and after her marriage; said that she had deceived him; that she had been an opera dancer. He admired the skill and talent with which she had concealed the fact, and considering the nature of the life that she had led, that she had such ladylike manners, or something to that effect. He stated that all this was known to her Father and Mother; that they encouraged it; that they abetted it, and that they profited by it. These were words that he over and over again repeated, conducting himself towards her with the greatest possible violence. She wished to have a physician; he said that he would not have a physician till they got to 40 Paris. She hastened the journey, and they went to Aix-la-Chapelle. Up to that period he had never mentioned the name of a single person on whom the accusation lighted, or who

was the particular object of suspicion; but on arriving at Aix-la-Chapelle he said, "I have hit on the man; it is either the Duke of Wellington or Mr. Montgomery; you shall tell me which it is, and I will fight him;" and then the same degree of violence went on as before. I am stating these facts contained in the affidavit of Mrs. Dyce Sombre, and it must be so understood. I am merely at present stating the facts as contained in the affidavit of Mrs. Dyce Sombre. She represents these facts, and they are contained in her affidavit. They left Aix-la-Chapelle, and proceeded on their route to Paris, and on their arrival there went, as strangers frequently do, to dine at the Palais Royale at some restaurant, and they took a walk to the Rue de Richelieu, and the next day he charged her with having assigna-
10 tions at both places: he charged her with carrying on an intrigue with the Duc de Nemours, and a correspondence with him; and though they had intended to pass the winter at Paris, he insisted on immediately returning to London. He said somebody had opened his iron chest at the Clarendon Hotel. He wrote a letter, and ordered a special messenger to be sent, for the purpose of taking that letter to Dr. Drever, a friend of his, whom he had long known in India, and with whom he had been very intimate. Mrs. Dyce Sombre persuaded him at length not to do that, but to send it by post, as they were on the point of returning themselves to London. That letter requested Dr. Drever to go to the Clarendon Hotel, and examine into the fact; to make a pretence that he came to look at the portrait of Lord Combermere, or something to that effect; but he says, "The real point is the chest; look to
20 that; do not think I am suspicious, but do what I require." Dr. Drever, when he received that letter, was amazingly surprised; he did not know what he meant; he had uncomfortable feelings with respect to it; and whether he did or did not do what was required, does not, I think, appear from the affidavits. They arrived in London, and on their arrival in London Dr. Chambers was sent for, and medical advice was administered. During this journey he adverted to the circumstances that had taken place on those two visits to which I have referred: he insisted that his Wife had criminal intercourse with Mr. Montgomery on the night in question when they went to the theatre. He said the hole in the street, on the day when they went to dine with Captain Rous, was a hole made on purpose to catch and destroy him. He said Mr. Montgomery was concealed in the house; that a place was kept for him
30 at the table; that he did not appear, but that he was concealed in the house, and had had criminal conversation with his Wife. These facts he repeated over and over again, and insisted upon them as realities. The state in which they were now living attracted the attention of their friends, particularly Lord Marcus Hill, who tried to persuade him that he was labouring under delusion with respect to the conduct of his Wife, and that he was unjust to her; that her character was quite different from that which he had supposed her to assume; that they were mere delusions; and their friends thought it right that there should be some meeting of mutual friends with the trustees; that he should attend and state what his charges were, what were the grounds of his suspicions; that they should examine into them, and express their opinion with respect to them, and he undertook to be bound by the
40 decision. The meeting accordingly took place. He stated what his charges were; he stated this affair with respect to Mr. Montgomery, the dinner at Captain Rous', the hole in the street; that Lord St. Vincent had told him that his Daughter, before marriage and after

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marriage, had been the most profligate of women, and had criminal intercourse with persons of every description. He was asked to substantiate this: he stated something vague and unconnected, amounting to nothing; and the result was, that they signed a certificate stating their opinion with respect to these charges, and their opinion with respect to their character. That document has been referred to, and which perhaps it is proper I should read: "We, the undersigned, having given our patient attention to the various statements this day brought before us by Mr. Dyce Sombre, as tending in his mind to criminate his Wife, have come to the unanimous decision that the statements have no foundation in any fact whatever, but seem to us to have originated in a mere phantom, arising, no doubt, from ignorance of the manners and habits of European society; and we feel it due to the con- 10
duct and character of his Wife solemnly to declare, that the investigation to which we have attended with the utmost impartiality, has fully convinced us of her entire innocence and purity. We further feel ourselves entitled to expect that this result of our deliberation shall have the effect of dissipating such illusions for the future, and that the conduct of Mr. Dyce Sombre towards his Wife shall be such as shall be in unison with that ardent affection, admitted by himself to be entertained by him towards her, and with the regard and respect justly due to an innocent and devoted Wife." With respect to that ardent affection there is no doubt he had for her the greatest possible affection; that it constantly happened after these fits of violence, he would beg her pardon, and sometimes went down on his knees, and said he was sorry for having given her uneasiness; and though he was 20
satisfied of the impropriety of her conduct, still he could not help loving her as strongly as ever. Dr. Drever was one of the persons present, and a party to this paper; he declined to sign it on account of this expression, "but seem to them to have originated in a mere phantom, arising, no doubt, from ignorance of the manners and habits of European society." He said he could not persuade himself to sign it, because he could not ascribe the circumstances to that cause; he said he was afterwards persuaded to sign it from a suggestion, that its being signed by the parties present would tend to tranquillize his mind, and put an end to the unpleasant situation of these parties. He accordingly did sign it. He says Sir Francis Burdett, he believes, refused to sign it, for the same reason, and Sir Francis Burdett does not seem to have signed the paper. The parties present were Lord Combermere, Lord Marcus Hill, 30
Mr. Fitzherbert, Lord St. Vincent, Dr. Drever, and several other of their friends. He said he had agreed to be bound by their decision, and he must, of course, submit to it, but he said it would ever remain there, pointing to his forehead; he submitted, but he was not satisfied. A short time afterwards, he met Mr. Montgomery driving in the street; he was on foot himself, and he rushed to the cabriolet and endeavoured to stop it; he did not however succeed. Mr. Montgomery drove on, and on this being communicated to Dr. Chambers, who was attending him, he required some further medical assistance; some person conversant, as he said, with nervous disorders. Dr. Seymour was called in; he refused the responsibility, in consequence of which Dr. Sutherland was consulted. It is quite clear, therefore, what Dr. Chambers thought, at that time, was the nature and character of his 40
malady.

About this time, towards the autumn of the year, I think it was, that General Ventura

arrived in London, a name well known in the history of the East; he was an old friend, a man of a certain age, and an intimate friend of Mr. Dyce Sombre. They were at that moment setting out for Dover; they stopped, had some conversation with him, and they proceeded on their journey. He was so anxious to see General Ventura, on account of his intimacy with him, that he left his Wife at Dover, and came up to town; he returned again to Dover, and after a few days they came to town again. General Ventura was still at the Clarendon Hotel, the hotel which they frequented; they all remained together for about three or four days. Mrs. Dyce Sombre then went to her Father, at Meaford, in Staffordshire. Mr. Dyce Sombre accompanied her by the train as far as Stafford, leaving General
 10 Ventura and his Daughter at the Clarendon Hotel; he returned to Town immediately, and he remained with General Ventura until that gentleman embarked for India, which took place in the course of a few days. I mention this circumstance, with respect to General Ventura, because it is to be referred to at a subsequent period. Nothing interrupted their harmony; they were old friends, old associates, and his object in returning to Town was to remain with General Ventura and his Daughter till they embarked for India; he did so accordingly.

The parties determined to take a tour in the autumn; a tour to the Lakes, and to Scotland. They proceeded as far as Edinburgh, and the tour was extremely agreeable; nothing unpleasant passed; this gentleman, Mr. Dyce Sombre, was in extremely good
 20 spirits, and particularly good health; but the thing was entirely changed on their leaving Edinburgh; his delusions again returned; he had seen in the paper an account of the marriage of Mr. Montgomery; he was very much irritated, very violent during the journey; and they went on to Inverary, to the Duke of Argyle's. He insisted that Mr. and Mrs. Montgomery were there, as part of the company. I believe they had gone to the Continent, and nothing would pacify him. There is a remarkable echo at this place, and on a hill. I think there is a cannon planted for the purpose of giving effect to that echo; the cannon was fired for that purpose one morning; he insisted it was fired in compliment to the marriage of Mr. and Mrs. Montgomery; he was irritated and dissatisfied. They went on to Taymouth and Inverness; everything that was unpleasant passed during that journey, the same words were repeated, the same violence was resorted to. At Inverness, Mrs. Dyce
 30 Sombre called in the assistance of Dr. Fraser; he conversed with Mr. Dyce Sombre, and heard what was stated; he said he was clearly insane, and advised her immediately to return to London; that it was very hazardous her continuing the journey, and he recommended her to go to London as speedily as possible. It was at Inverness that he charged her with criminal intercourse with General Ventura; he said, "When you went down to Meaford, when I accompanied you to the station at Stafford, General Ventura followed in the same train, and you carried on an intrigue with him at your Father's house." She did all she could to disabuse him and to dissipate those delusions, but he was so possessed with it that he sat down and wrote a letter, a challenge to General Ventura; he sent that challenge up to Town to his agents, Messrs. Frere & Forster, desiring them to forward it immediately to
 40 General Ventura; to send it by a special messenger: "You will find him at Paris; if he has left Paris, go on to Marseilles; if he has left Marseilles, pursue him to Malta, to Egypt, and, if necessary, to Bombay; it is a matter of the greatest importance; you will find him at

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Bombay, because I know he must remain there a few days." Mr. Frere did not of course send the message; it was to require General Ventura immediately to come to England, in order to give him satisfaction for his conduct towards his wife. Again, they met Mr. Fraser in the street, an old friend of Mr. Dyce Sombre, whom he had known in India, with whom he had been intimate; he lived eight miles from Inverness, but he happened to be at Inverness when they were there, and they met him accidentally in the street. Mr. Dyce Sombre scarcely spoke to him; when they got back to the inn, he said, "You carried on an intrigue with Mr. Fraser; I do not know whether it was before or after marriage, but I will show you how I will find out, and he asked her whether it was before or after marriage." She tried to undeceive him, and found it impossible. He said, "I will know by this; I will 10 desire him to come over here to-morrow (Sunday), and he will either come before or after church, and it will govern my decision as to whether your intercourse was with him before or after marriage." Accordingly he wrote that letter, inviting him to come over, and sent a special messenger with it, a distance of eight miles. Mr. Fraser came the next day after church; he was introduced into the room; conversed with Mrs. Dyce Sombre; Mr. Dyce Sombre, during the whole of the period, observing him with great attention. When he got up to go away, he made a motion pointing to the stairs, and then Mr. Fraser took his leave. Then Mr. Dyce Sombre said "It was after marriage." "Did you not see how I insulted him by pointing the way to his going down stairs; if he is a gentleman he will send me a challenge." Shortly afterwards, in consequence of the earnest solicitations of Dr. Fraser, 20 they quitted Inverness, and proceeded to London; he was extremely violent at different periods on that journey; he could scarcely be prevailed upon to get into the carriage, or get into the train; when at the station he burst out into violent attacks upon her, and at last they arrived in London. On their arrival in London she sent for Dr. Chambers and Dr. Sutherland; they attended him for some time. He wrote a challenge to Mr. Montgomery; Mr. Montgomery was at that time on the Continent; he sent to Colonel Wyndham, whose Daughter Mr. Montgomery had married, and desired him to forward it. Mrs. Dyce Sombre wrote privately a note to Colonel Wyndham mentioning this circumstance, and of course the letter was not forwarded. Colonel Wyndham said if he had not received that note he should have had him put under arrest. He wrote to the Queen saying that he was willing 30 to give up his claims on the East India Company; he sent the letter to the Queen, and the receipt was acknowledged by Mr. George Anson. He sent a challenge to Sir J. Lushington, the Chairman of the East India Company, to do what he considered just; he sent a similar letter to Sir Richard Jenkins, a Director of the Company; he stated that a regiment at Dublin had given a treat, a dinner, in honour of him, on account of his conduct with respect to the East India Company; the Queen was so much pleased with it that she desired a chair to be kept vacant for him whenever he chose to come to her Palace. It is material I should state from the affidavits themselves some passages which it would be difficult for me to communicate in any other way. Mrs. Dyce Sombre, in her affidavit, says, "That he was at times very violent; several times he kicked deponent out of bed; 40 and sometimes he held her against the wall for a long time together, threatening this deponent, and calling her by horrible names; and sometimes he seized deponent by the throat, and

said he would strangle her, but generally became very sorry afterwards, and said although she had behaved improperly, yet it was unpardonable of him to treat her so, and would then load her with caresses for ten minutes or sometimes an hour after; something would come across him, and he would begin again, and said that he would kill himself or deponent, and put an end to his misery; that he did not wish to murder deponent; that he should be very sorry, but it was too strong for him, and that he could not help it. Those threats were repeated constantly from the beginning till towards the end of February. He several times spoke at night of which way it would be best to destroy deponent, whether by smothering her with a pillow or stopping her mouth, so that no mark of violence should be found on deponent." She says "That for several weeks afterwards deponent put out of sight, in her bed room, all knives and dangerous weapons, and the servant, into whose room the alarm bell rung, received by deponent's orders repeated instructions to be on the watch, and to come up the moment he should hear it ring." Then she says in another part, "That she was fearful of danger to herself in going to his dressing room latterly, and deponent therefore used to desire his valet to keep close to the door while deponent went in. On one of these occasions deponent was greatly alarmed by Mr. Dyce Sombre looking the door, and then looking at deponent with a grin, and then at a drawer, which deponent then suspected, and which it was afterwards discovered, contained his pistols; he continued looking in this way for some minutes, when deponent opened the door suddenly and got out of the room, making an excuse that she was wanted. Deponent firmly believes that it would have been impossible for deponent to have remained with him so long if she had shown fear, which it was deponent's study to avoid doing, in order to put off the restraint to the last moment." Says "that Mr. Dyce Sombre, in deponent's presenee, said to Sir James Clark that he had warned deponent to leave him; the deponent was the most venturesome person he had ever met with; that deponent was remaining with him at the risk of her life, which was not worth a minute's purchase; that he did not wish to kill deponent, but that he must do it." He believed he was visited by Spirits; two Spirits, one of a benevolent character, the other of a character directly opposite; he awoke her in the night, and showed her the Spirit, and seized her, for he said that was the only way to prevent its coming back again. Another night he alarmed her by pointing out the other Spirit, and said "Do you not see him there;" and described its appearance. Then he laid hold of her for the same purpose, with the same object, and held her for many nights in succession, in order to prevent their being disturbed by the repetition of such appearance; he said that the malignant Spirit had desired him to murder her, and the other Spirit had interposed, and said he must not do it. He said the Spirit had desired him to shave off his eyebrows; she answered him and said, "Will it not do if you shave off a part; will not that satisfy him?" He said "Perhaps it will do," and he shaved off a part of each eyebrow; he afterwards shaved off the whole. He sent a challenge to Sir Hume Campbell; Sir Hume Campbell had looked at his hat; that was the ground of it; and he said it was an insult. The letter was intercepted, but it is in evidence. One morning he took up a knife, followed her round the room, and threatened to cut off her nose, saying, "If I do not do more I will cut off your nose." She attempted to run into the adjoining room, in which Mr. Ricketts and Miss Parker were, but turning round suddenly, she said, "I will

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ring the bell, and call up every servant in the house, if you do not lay down the knife." It had the effect which might naturally be expected, assuming the fact to be as it is supposed, that he was not in his right mind; such an appearance would probably have had the effect it had; he dropped the knife; this was heard by Mr. Ricketts in the adjoining room; it was heard by Miss Parker, who was in the adjoining room. He said a lady of rank, whose name is mentioned in the affidavit, which I shall not of course repeat, had taken him into the bed room of another lady of the same rank, in order that he might have a criminal intercourse with her. He stated that two noblemen, whose names are mentioned in the affidavit, had distinctly offered him the use of their Wives. He said the highest persons in the country had come to the Clarendon Hotel for the purpose of carrying on intrigues with him 10 and his Wife.

Now these are facts stated in the affidavit of Mrs. Dyce Sombre. If they are anything like a true representation nobody for a moment can doubt what was the state of this gentleman's mind. It is idle to think any such doubt can be entertained. What interest had she in misrepresenting these facts. There is nothing in opposition to this that I am aware of; she was fond of him to all appearance, and it is not doubted or questioned; why should she if he is not insane, why should she be desirous of making him out to be an insane person. Is there anything in the evidence to support such a suggestion? But it does not depend on her evidence alone; it is confirmed by the testimony of a great variety of witnesses. That which relates to the Marchioness of Hastings, and what took place there, is 20 confirmed by her affidavit. She afterwards came to town, and passed some time at the Clarendon; she saw what was going on, and she states it; her affidavit is in conformity, to that extent, with the affidavit of Mrs. Dyce Sombre. Sarah Lake, her servant, her maid who had lived with her for several years, and continued in her service during the whole of the period, confirms generally all that is stated by Mrs. Dyce Sombre.

In stating Mrs. Dyce Sombre's affidavit, I have selected particular facts, but they are but a feeble representation of the impression created by the affidavit itself, because it is the little fillings up, the slight circumstances, the combination altogether that creates the impression. I cannot therefore give the full effect to that affidavit without doing that which it is unnecessary 30 for me to do in such a case, without reading the affidavit from beginning to end; but I think I have stated enough for the purpose of satisfying any reasonable man that if the statement be true, to the extent to which I have carried it, no doubt can be entertained as to what was the state of this gentleman's mind at the period I have referred to.

Miss Parker passed a long period of time with her; she was in that journey with them to the Lakes, and to Edinburgh; she confirms the statement of Mrs. Dyce Sombre, not in all particulars, because that is impossible, she could not always be present at the same time; she travelled on the journey in a different carriage with a German lady, but she confirms it in the main, and she afterwards resided at the Clarendon Hotel with them till the period when he was put under restraint, and she confirms the general character of his conduct in such a way as to render it impossible to doubt the correctness of the statement. Dr. Drever also 40 confirms the statement. Dr. Drever, as I have mentioned, had been an intimate friend of this gentleman, Mr. Dyce Sombre; he had known him in India; he had held an office in the

household of the Begum; he had been physician in that household, and they had been on the most intimate and friendly terms; he received the letter, to which I have referred, from Paris; afterwards a conversation took place between them, and it appears he entertained the most unfounded suspicions and jealousies of the conduct of Dr. Drever; he imagined that Dr. Drever had taken part with Lord St. Vincent against him, for which there was not the slightest foundation, which arose out of the removal of some boxes from a house in Park-street when that gentleman was going into the country. Dr. Drever says, Mr. Dyce Sombre told him his wife was a profligate woman before marriage and after marriage; that Lord St. Vincent knew it; that he abetted it. He endeavoured to undeceive him, but he

10 said, "I knew it all before I married her;" then Dr. Drever asked, "Why did you marry her?" to which he said—I do not know whether it was to Dr. Drever or some other person—"It is not unusual for us in India to marry women of bad character, singers and dancers." He told Dr. Drever of the hole in the street, and said that it was made to catch him to destroy him. Dr. Drever's evidence also on other circumstances goes to the confirmation of what I have stated, so that the case does not rest on its main features in the evidence of Mrs. Dyce Sombre, even if it could be supposed she would be so profligate as to come here to make a false affidavit for the purpose of locking her Husband up as a maniac, if one could suppose such a thing, but it does not rest on her evidence alone; her evidence is followed in many of the most material facts by the other witnesses to whom I have referred. A short time before

20 this he used to watch her when she went to Church; he would stay in the street to see whether she came out; sometimes he would go to one door and sometimes to another; on one of these occasions he went and called on Dr. Elliotson, who lives in the neighbourhood, in Conduit-street. I believe the Church is in George-street; he had left his card the preceding day; he went into the room and asked for Dr. Elliotson; Dr. Elliotson made his appearance; Mr. Dyce Sombre says, "Are you Dr. Elliotson?" "Yes, I am." "Are you Dr. Elliotson?" "Yes, I am." "Do you know what I have come for?" "No, I do not." "You do; you know what I have come for; you must give me more of the society of my Wife; I know she is under your influence;" using some general words about mesmerism, or something of that kind. Dr. Elliotson said, he did not know who she was; he asked what

30 her name was before marriage, he gave some fictitious name, but did not mention the name of Jervis; then he turned round and said, "You must fight me." "Why am I to fight you?" "Never mind; you must fight me; I will insult you before your servants, and you must fight me;" and he then left the house. Dr. Elliotson did that which any professional man would have done under such circumstances; he wrote to a relation of Mrs. Dyce Sombre, Mr. Ricketts, of the Treasury, and told Mr. Ricketts that he must take measures immediately to restrain him; that he was incurring great responsibility, and that he must do it without delay. Mr. Ricketts had about the same time received a letter from Miss Charlotte Parker, who was living at the Clarendon Hotel, to say that he had twice the day before coolly and deliberately stated that the only way to get out of his misery was to put Mrs.

40 Dyce Sombre to death, and that he should load his pistols, which he had about that time purchased, to shoot her; on that, this gentlemen went immediately to Dr. Monro, who had been in the habit of visiting him. Dr. Monro signed a certificate, and sent it by .

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Mr. Ricketts to this lady in order that she might sign it; Mr. Ricketts pressed her in the strongest manner to put her name to it; she refused to do it; she said, "He has passed a quiet night, and I hope he may be better. I will not do it at present." She was pressed from time to time to do it; for nearly a month she declined, always hoping that a more favourable turn might take place, but in consequence of the threats to which she was continually exposed, the danger she constantly incurred, apprehending most serious consequences to result from it, at the expiration of a month she signed a certificate, and he was put under restraint; nothing could exceed her forbearance in this respect. This does not depend on her evidence, it is sworn to by Mr. Ricketts; it is known and sworn to, I think too, by Miss Parker. She abstained from putting him under restraint in the hope that he might 10 become better, running the greatest personal hazard in the hope that that event might take place. So when he was confined she refused to allow the Commission to be sued out for the same reason; application was made to her from time to time. At length Mr. Solaroli, his Brother-in-law, insisted upon it, and said it was necessary for the protection of the property, and she then gave way, she yielded and consented to the Commission being sued out. So far from being eager and anxious therefore to have this gentleman declared a Lunatic, so far from enforcing the law, and the protection of the law, she abstained from doing so at the most imminent hazard to her own life, from motives of kindness, of affection, and from an anxious desire to prevent that species of restraint. This evidence is not capable of being controverted, it is clear beyond dispute; what ground is there for supposing that this lady has had 20 any indirect motive in the conduct which she has pursued towards her husband; there is none whatever, at least as it strikes my mind. Her maid went to Hanover Lodge at the desire of Mr. Dyce Sombre, in consequence of a message which he sent to her; when he saw her, he desired her to request Mrs. Dyce Sombre to come the next day. The message was communicated. Mrs. Dyce Sombre came; immediately she entered into communication with him; his conversation was perfectly collected, not the least symptom or trace of insanity; he spoke on general topics, general subjects, like any other person; at last the conversation took a different turn; he said the Queen had offered him a Peerage if he would consent to veil his Wife's irregularities; he said that was a thing he could not submit to, and he had declined the Peerage; he said in mild and placid tones, "Are you still living with Sir Frederick Bathurst? 30 I saw you in a carriage the other day, it was not your own carriage, but in another carriage with Sir Frederick Bathurst. Are you likely to have a child by him? You shall not palm that child on me." All this was said in the mildest manner, and he began to examine her to see whether there were any appearances likely to produce a child; he then said he would take her back to live with him on certain conditions, which she does not repeat in her affidavit, because they are of an indelicate nature, but she refers to a written paper which is contained in the affidavit of Sir James Clark, which I shall presently allude to; he said on those conditions he would take her back and she should live with him. He mentioned that some lady of high rank, on the supposition that the separation would take place, I presume, had offered him her daughter in marriage; and when she tried to persuade him that these were 40 all delusions, his answer was, in a mild way, "Come, come, you know better." The conversation went on in this way for a considerable time, and she took her leave.

Now, then, it is material I should direct the attention of the learned counsel to the evidence of the physicians. I have stated this as the history of the case ; his previous history ; the courtship ; the marriage ; the affection that subsisted between them for a time ; the tranquillity that prevailed until that journey to Meaford ; the progress of the disorder ; its gradual increase in intensity up to the period when he was put under restraint.

Now the medical men have been examined, the medical men that concurred in putting him under restraint ; they are medical men of the first character in this country, for science, skill, and knowledge in that particular department. Dr. Conolly, Dr. Monroe, and Sir James Clark, I will read the affidavit of Sir James Clark for the purpose of showing how confirmatory it is
 10 of the circumstances which I have stated. I feel it absolutely necessary, and I regret to be obliged to go into this detail, but it is necessary in consequence of the nature of the case, and in consequence of what has taken place in France. In an ordinary case I certainly should not have done it, but I am going much more into detail on account of these circumstances to which I shall by and by have occasion to allude, because it is supposed that there is some conflict of decision between the Tribunal of this Country, and that Tribunal, if I may so designate it, which was established for the purpose of this inquiry in France. It is necessary therefore that I should go into this detail. Sir James Clark says " That in the month of February in the year 1843 he was called on to attend Mr. Dyce Sombre with reference to some pain about his heart, this deponent not being then aware that any doubt existed as to his
 20 sanity. Says that he first saw Mr. Dyce Sombre on the 21st of the same month of February at the Clarendon Hotel, Bond-street, where he was then residing with his wife, Mrs. Dyce Sombre. Says that on a subsequent day of the same month he visited Mr. Dyce Sombre again, and met there Dr. Conolly and Dr. Monroe. Says that on this occasion, during a long conversation, Mr. Dyce Sombre stated his conviction that Mrs. Dyce Sombre his Wife was unfaithful to him, and when asked what proofs he had of it, he said she had acknowledged it to him, and he also said that something was put into his food to injure him." I quite forgot to mention that he was of opinion, repeatedly of opinion, that something was put into his food at the Clarendon Hotel, that he was of the same opinion, and stated it repeatedly that something was put into his food on his journey to the Continent ; he made the same remark repeat-
 30 edly on his journey in Scotland, and he made the same remark also with respect to his food at the Lodge in the Regent's Park. It is necessary that I should mention this with the view to an observation I shall afterwards be called upon to make ; it was not confined to Hanover Lodge, but it applied to the Clarendon Hotel ; it applied to the journey on the Continent, it applied to the journey to Scotland, and it also extended to the house in the Regent's Park. He says, " On the 25th of the same month of February, he, this deponent, visited Mr. Dyce Sombre alone, on which occasion Mr. Dyce Sombre repeated his statements with respect to the conduct of his Wife, and her admission of it, and added that the footman had also admitted it to this deponent on the preceding day ; and Mr. Dyce Sombre being asked by deponent to explain in what way the footman had admitted it, Mr. Dyce Sombre replied, that he did so
 40 by standing on the stairs a step lower than this deponent." That has given rise to an argument that the admission by the Wife might have been a constructive admission of a similar character. Great pains have been taken, and I myself have taken great pains, and great

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pains have been taken by persons in my presence, and also by the other medical men for the purpose of ascertaining whether any deception of that nature was practised, and I can state, as the result of that investigation, he perfectly understood the questions put to him; his answers were distinct and plain, that the admissions were made by word of mouth; his statement of the fact was as clear and as precise as could be made by any person living. He says, "He visited Mr. Dyce Sombre on the 28th of March, and found him in a state of excitement, and on Mrs. Dyce Sombre coming into the room Mr. Dyce Sombre told this deponent that he was visited by two Spirits, a good and evil Spirit, and that one of them had desired him to throw Mrs. Dyce Sombre's ring into the fire. He once said that she insulted him, also talked very much of a challenge which he had wished his Wife to send to some one." I might 10 have mentioned that in the progress of the account I gave, he advised her to send a challenge to a lady, whose name is mentioned in the affidavit, because, as he suggested as a reason for it, "that as they were both much attached to the same person, he thought it therefore better that they should fight it out with pistols;" and said she insulted him every minute of the day, and that she had insulted both him and deponent, and being asked for an explanation, he said she had insulted them by the manner she came into the room. Says that there was nothing in the manner of Mrs. Dyce Sombre which appeared to deponent to be insulting to any one. Says that on the 29th of March 1843, he visited Mr. Dyce Sombre in company with Dr. Sutherland, and on that occasion Mr. Dyce Sombre repeated the story about the Spirits, and said that a Spirit had twice knocked him off his horse in India; and although Mr. 20 Dyce Sombre being afterwards pressed upon the subject, admitted that the affair of the Spirits might be imaginary, he still adhered to his assertions respecting his Wife's infidelities, but without stating anything like a reasonable ground for them. Says he was satisfied from the probability of most of the assertions made by Mr. Dyce Sombre with regard to his Wife and himself, and from the absurdity of others, that Mr. Dyce Sombre was insane. Says that Mr. Dyce Sombre showed such ungovernable violence towards his Wife, and was at times so angry and excited, and so strongly possessed with his delusions in regard to her, that deponent considered that there was great reason to expect he would attempt her life. That Mr. Dyce Sombre did not appear to be at all capable of restraining himself with regard to his Wife, or of being restrained by any other means than force or authority, and deponent 30 therefore became thoroughly convinced that it was necessary for Mr. Dyce Sombre to be placed under restraint, and he frequently urged the necessity of it on Mrs. Dyce Sombre, but found her very averse to it. That on the 30th March 1843 a consultation took place on this subject between Dr. Monro, Dr. Sutherland, and Dr. Conolly, and deponent, in the presence of Lord St. Vincent, the Father of Mrs. Dyce Sombre, Thomas Hawe Parker, Esq. her Uncle, Mr. Edward Ricketts a Cousin, and Mr. Frere, the Solicitor of the Lunatic, and it was agreed by all the parties then present to be necessary that Mr. Dyce Sombre should be put under restraint, and that it ought to be effected immediately, provided the consent of Mrs. Dyce Sombre could be obtained. That the consent of Mrs. Dyce Sombre having been obtained, Mr. Dyce Sombre was, on the same day, on the certificate of Dr. Conolly and 40 Dr. Sutherland and deponent, committed at the Clarendon Hotel to the charge of Dr. Domeier. That on entering the room to acquaint Mr. Dyce Sombre with the measure thus taken, Mr.

Dyce Sombre exclaimed, "I know what you are come for; you are going to shut me up in a madhouse;" and he sat himself down on the floor and there remained in a state of great excitement as long as deponent stayed in the room. That on the morning of the 1st of April following deponent visited Mr. Dyce Sombre with Dr. Conolly, on which occasion Mr. Dyce Sombre insisted to this deponent that there had been a Ball at the Clarendon Hotel on the previous night, and that Mrs. Dyce Sombre had danced at it. Says he was informed and believes that no Ball had taken place at the Hotel, and endeavoured to convince the Lunatic of the fact, but that no proofs or arguments or assurances could satisfy him of it. That on a second visit, in the afternoon of the same day, he, deponent,

10 having been told that the Lunatic had presented a pistol at one of his attendants, asked him if he really intended to shoot the man, to which the Lunatic replied, "Not him;" and, on deponent asking whom he intended to shoot, he replied, "Madam Sombre;" and added, that if deponent had not come on Thursday night, he would then have shot her, and she should have taken the other pistol and have shot him. That Dyce Sombre has since repeated the same thing to deponent on several occasions, but he added more than once, that he did not mean to kill her, only shoot her in the back. Says he visited the Lunatic on 10th April, when he told deponent that he had a sad night, with two Spirits; that he had seen the heavens open, and saw one of the Spirits rise from his grave, and that the Spirit desired him to do one of three things: the first, he said, was too bad, and he would not

20 mention it; the second was to kill a cat in a particular manner, and the third was to eat his own dirt; and the Lunatic seemed impressed with these visions as being real occurrences. Says that about the 11th of April Mr. Dyce Sombre was removed to Hanover Lodge, Regent's Park, and, on the 16th, he told deponent that the Begum had appeared to him, and had witnessed his marriage again; and, on the 6th of May, he said to deponent that the Blue Spirit had appeared to him, and told him that some person, whose name deponent forgets, had given the Ball at the Clarendon; and he also told deponent that the Blue Spirit appeared to him when he was seven years old, under a pomegranate tree, in the form of the letter T. That about the beginning of May the Lunatic began to grow impatient under confinement, and to insist on keeping in the house with the window blinds drawn down, and he remained

30 in bed till very late, and only dressed in drawers and dressing-gown, and insisted upon taking all his food cold, and said he would not go out any more. That, on the 10th May, the Lunatic declared to deponent, that Mrs. Dyce Sombre told him that her Father had had connexion with her, and Sir F. Bathurst had had connexion with her in Hyde Park in the open day. That, on the 17th of May, he found the Lunatic in the same state: he said he was visited by the Spirit every night; and deponent having been informed that he had dined the day before on what he called a State Ball, which consisted of bread and an apple, over which he burnt some brandy, and a glass of porter, this deponent asked an explanation, and was informed by him, that he took this kind of dinner in order to put a stop to the Queen's Levee, and expressed his surprise that the Levee had, notwithstanding, taken place, saying, he

40 should protest against it. That, on the 22d of May, the Lunatic told deponent, that during a short sleep, he heard that Lord Cardigan had travelled to Rome with Mrs. Dyce Sombre before her marriage; and, on the 29th of May, he told deponent that he had a high moral

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visit the preceding night: that he had been removed to a lunatic asylum, where he had seen poor lunatics, and one fine old looking man, dressed in an Indian costume, but without a left leg; as this old gentleman passed him he struck the Lunatic on the elbow with his hand, which awoke him, and at the moment the Spirit asked him if he knew who that was; he said, "No;" when the Spirit answered, "It is George the Third;" and the Lunatic seemed as usual impressed with these visions as real circumstances. That the Lunatic frequently mentioned to deponent that his Wife's infidelities had taken place in Hyde Park with Sir F. Bathurst, and he was so strongly possessed with this notion, that on its being proposed to him that a house should be taken for him in the neighbourhood of Hyde Park, he objected to it, because he could not bear to be in constant view of the places of his own dishonour. The Lunatic frequently mentioned to deponent various conditions upon which he would be willing that his Wife should return to him, and which conditions were of the most preposterous kind. Those are the accounts to which Mr. Dyce Sombre refers as mentioned to her when she visited him at Hanover Lodge. And deponent having desired the Lunatic to put them in writing, he soon afterwards produced from his pocket a paper, written in red ink, which he either gave or sent to deponent, to be delivered by him to Mrs. Dyce Sombre, intimating that it contained the conditions for her return to him. That the paper is in the words, or to the effect following, viz.: First, Let A. B. of C. produce and furnish every requisite for passing a pleasant evening with a virgin of the same rank as the one now lost. Second, Let Mr. E. J. ("That is Mr. Edward Jervis, I presume")—let Mr. E. J. produce another lady, to receive the extinguisher (of rank). Third, Let there be a duel of three fires at the place in H. P. Fourth, Let V. St. V. ("Do you know who that is"?)

Mr. Kelly.—It means Viscount St. Vincent, my Lord.

The Lord Chancellor.—Yes, it is—it is Viscount St. Vincent, now I recollect, in the original. "Let the Viscount Saint Vincent produce a roan horse, well broke, for the occasion. Fifth, When the ground has been consecrated by the duel, I shall reconsecrate it with Madam, and bring her back home on the horse." That the paper was either given or sent to deponent by the Lunatic, and was not taken by deponent from a table where it had been left lying about, in the manner which has been alleged by, or on the behalf of the Lunatic. That the contents of the paper were not at all more wild or strange than the terms repeatedly proposed by the Lunatic verbally to deponent, as the terms upon which his Wife was to be taken back by him. That the Lunatic after expressed to deponent a desire to have a public trial, at which he might bring forward his supposed grievances in regard to his Wife. That a week before the opening of the Commission in this matter he communicated to the Lunatic that there was to be a Jury upon him, and made him understand that the object of the inquiry was to decide whether he was lawfully confined, and asked him whether he would have any legal adviser employed on his behalf; and the Lunatic entertained a notion, which deponent in vain endeavoured to remove, that the Commission was a proceeding instituted against him by the East India Company. That the Lunatic at first said he would have a Mr. Cochrane to attend on his behalf; and deponent thereupon made inquiries concerning Mr. Cochrane, and was informed that he was in India, which information

deponent communicated to the Lunatic, and mentioned to him the names of several counsel of eminence ; but the Lunatic ultimately declined to name any one until he should have had the charges against him in writing, all which deponent communicated to Mr. Frere, the solicitor of the Lunatic. That a day or two before the time appointed for executing the Commission, deponent met Mr. Frere and Mr. Solaroli, who had married a Sister of the Lunatic, at Hanover Lodge, where the Lunatic was then residing ; and deponent then delivered to the Lunatic two letters addressed to him, one of them from Mr. Frere, informing him of the nature and object of the proceedings, and requesting to know if the Lunatic would see any counsel or solicitor, for the purpose of giving him instructions on the case, and

10 the other letter was from Mr. Solaroli, offering his assistance on the occasion. That the Lunatic returned to deponent the letter of Mr. Solaroli, and declined his assistance with marks of indignation ; but he retained the letter of Mr. Frere, though he gave no directions in consequence of it. That he was present at the opening of the Commission in this matter, on the 31st of July 1843. That before the case was gone into, in the absence of the Lunatic, he, deponent, was examined upon oath as to Mr. Dyce Sombre's having been apprised of the nature of the inquiry. That after the case had been stated by counsel, the Lunatic came into the room, when deponent was about to be examined, but the Lunatic stopped the counsel, and required that deponent should be sworn, and deponent having been accordingly re-sworn, for his satisfaction, he immediately asked deponent whether the Ball at the

20 Clarendon Hotel had not taken place, as he, the Lunatic, imagined, to which deponent replied in the negative. Says he continued to attend the Lunatic till the 20th of August, when deponent left London in attendance upon the Queen, and Mr. Martin was appointed to attend the Lunatic in deponent's place. That up to the last time he saw the Lunatic there was no amendment in his state of mind. I have read that affidavit, as far as it relates to the period when Sir James Clark ceased, for the reason he has stated, to attend Mr. Dyce Sombre ; there are affidavits to the same effect, pointing to the same circumstances, by Dr. Monro and Dr. Conolly, gentlemen of great experience in disorders of this kind, corresponding in substance with the statement made by Sir James Clark. Now, then, considering the whole of this evidence, as I have stated it, and concluding with these affidavits

30 of the medical men, not merely giving their opinions, but stating the grounds of their opinions, and the fact on which their conclusion rests, it appears to me impossible almost to say that this gentleman was not of unsound mind at the period to which I have referred. I have considered and weighed the arguments which were urged, and the facts which were relied on, arising out of the birth, origin, country, and character of Mr. Dyce Sombre. I have given to those observations every possible degree of weight, but I cannot explain the circumstances to which I have referred in these different affidavits ; I cannot refer them satisfactorily, or consider that explanation as sufficient to satisfy any reasonable mind, or that they lead to a conclusion as to any doubt in respect of his insanity. I think, to use the words of Dr. Drever, these "delusions are no more Asiatic than they are European;" and

40 that it is quite impossible, I think, calmly and deliberately to consider this question, and to say you can explain as a rational being—you can explain these various delusions to which I have referred, and which are stated in the successive affidavits, on the ground of the early

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education, relation, and descent, or the habits and manners of this gentleman. I am obliged, therefore, to come to that conclusion.

Some observations were made, to which I think it necessary very shortly to advert, on the subject of money. The affidavit of Mr. Solaroli has been referred to; he is a foreigner; and he states that in some interview with Mr. Frere, money was offered to him, which he considered to be in the nature of a bribe. Mr. Solaroli, it must be understood, entertained no doubt whatever as to the insanity of this gentleman. He has expressed himself in the strongest terms, on more than one occasion. I have read the affidavit of Mr. Frere, the affidavit of Mr. Troup, and I have attended with proper respect to what was stated at the bar by Mr. Moore on this subject. Everybody knows that when a man is found a lunatic 10 by inquisition, it is necessary to carry in a project to the Master for the purpose of arranging the terms of his maintenance; what sum shall be allowed for that purpose; if he has a Wife, what shall be allowed to her; if he has any connexions, whether it is reasonable or proper that anything should be allowed to them. The whole of this seems to have been arranged under the direction and superintendence of Mr. Moore; the parties who were next of kin appeared there, and I think Mr. Solaroli draws from what is an ordinary occurrence, as a foreigner, not understanding the subject completely, he draws inferences that were altogether unfounded. I am quite satisfied with the explanation that is given by Mr. Frere, the explanation given by Captain Troup, and the explanation given with respect to this matter by Mr. Moore. I think there is no foundation whatever for the imputation. 20

Now then, as to the execution of the Commission, upon which many observations have been made. There was a very full attendance of the Special Jury on that occasion; it was presided over by a gentleman of great caution and great accuracy; I mean Mr. Commissioner Barlow; it was very deliberately opened, as, without any evidence, I should be satisfied it would have been very cautiously and deliberately opened, by Mr. Calvert, without any exaggeration. Mr. Dyce Sombre was himself present, by the desire of the Commissioner and of the jury; he himself took part in the inquiry; as Sir James Clark has stated, on his first coming into the room, Sir James Clark having answered some questions, he required he should be re-sworn, which he was; and the very first question that he put to him indicated a continuance and the existence of his delusions, namely, with respect to that Ball at 30 the Clarendon Hotel, which was supposed to have been given on the morning after he was put into confinement, and at which Mrs. Dyce Sombre was supposed to have danced; the jury, from time to time, put questions to Mr. Dyce Sombre, and attended to his answers; the investigation went on to a certain point, and then the jury interrupted the inquiry, and said they were perfectly satisfied, and returned a verdict of unsoundness of mind.

Now it was said Mr. Dyce Sombre did not know the object of this meeting; it was explained to him by Sir James Clark. He said it was prosecuted by the East India Company; Sir James Clark endeavoured, as he says, to undeceive him, but found it impossible to do so. Mr. Dyce Sombre is a man capable of transacting business with great accuracy, understands ordinary business as well as any man I ever met with; this is quite clear from 40 his correspondence. If he could not make him understand that the prosecution was not conducted by the East India Company, it might have been from some strong impression existing

in his mind, which, of itself, would be an indication of unsoundness, which he could not get rid of. It was said he had no counsel; he was asked whether he would have any; that was distinctly put to him by Sir James Clark; he said he would have a Mr. Cochrane; it turned out that Mr. Cochrane was in India; other gentlemen were suggested to him; he declined it altogether; he said he would not do it unless he had the charges in writing. Mr. Frere's letter pointed out to him, in the most distinct terms, what the nature of the inquiry was, and suggested the names of several counsel of eminence to conduct the inquiry; he refused to appoint any of them. I do not know exactly what course could have been pursued under such circumstances. I know this, that if Mr. Frere, without the assent of this gentleman,

10 had appointed counsel for him, I know that would have been made the ground for an observation of something like collusion. I do not know that such an observation would have been made, but it is very possible such an observation would have been made. If Mr. Dyce Sombre was of sound mind and understanding, the matter was presented to him in a manner so clear and so distinct, both in Mr. Frere's letter and in the communication by Sir James Clark, that he must have distinctly understood everything connected with his position, the nature of the inquiries that were going on, and the means therefore of protecting himself from the results, if he thought proper to adopt them.

Then many observations have been made about the box of papers; there was a box of papers, which this gentleman took with him to Hanover Lodge at the time he was confined

20 there, or it was sent after him. Now, it is said that that box of papers was obtained from him by trick or contrivance, and a letter from Mrs. Dyce Sombre to her Father is referred to for that purpose. Undoubtedly that is true; but what appears in the same letter: "You must resort to these means of getting possession of this box for the purpose of avoiding irritation and excitement." This gentleman was at that time confined under a certificate of insanity; he was in possession of a box that might contain valuable papers; he might open it and destroy them; was it not the duty of Mrs. Dyce Sombre to obtain possession of that box, and was it not reasonable she should endeavour to do it by some contrivance, for the purpose of avoiding irritation? She might have obtained it by an order; she might have obtained it without any contrivance; she might have taken it by force from him; why did

30 she resort to that contrivance? It is obvious, therefore, that the reason for resorting to the contrivance is, that which is stated at the time,—stated confidentially to her own Father,—for the purpose of avoiding excitement. I have never, from the first moment, thought there was anything in that part of the case, any imputation on the conduct either of Lord St. Vincent or any of the parties, in obtaining possession of that box of papers. You must always observe you were dealing with a lunatic, with a person, by the certificate of competent medical persons, confined for lunacy; you do not deal with a person of that description as you deal with a sane man. But then it is said, and said with great propriety, there were some papers in this box which Mr. Dyce Sombre wanted and required for his defence upon the trial, and they were withheld from him. I have from the first thought that was highly

40 improper; I regret it; I consider it a great misfortune in this investigation that these papers were withheld. Mr. Dyce Sombre ought to have had them, and have made such use of them as he thought proper; but I have read these letters with attention; I have listened

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to the observations made on them by the learned counsel; I have taken them in connexion with the rest of the evidence, and if all these letters, and the observations that have been made to me on those letters, and the conduct of the parties, with the rest of the evidence, had been laid before the jury, I think they could not have been justified in coming to a conclusion different from that to which they have come, that any other verdict would have been quite unsatisfactory. I regret the circumstance that these letters were withheld, but they ought not, if they had been produced, they ought not properly to have led to a different conclusion. That is my deliberate opinion, after hearing every word of the argument which the learned counsel so ably urged on that part of the case. Now, what took place afterwards? After the verdict he was under the care of Mr. Martin; Mr. Martin 10 says, that Mr. Trevelyan was impressed with an idea that he was improperly confined. Mr. Trevelyan, of the Treasury, undertook to interfere in this affair; he drew up a memorial and presented it to the East India Company, calling on them to interfere, and he spoke to Mr. Martin. Mr. Martin said, you may at any time see him; an appointment was made, and Mr. Trevelyan called; he introduced him to Mr. Dyce Sombre, and the conversation took a general turn; nothing could be more correct than the language of Mr. Dyce Sombre; not the slightest indication of any derangement of mind whatever; nothing of that sort. Mr. Martin said, "Perhaps you would like to speak with him on his private affairs?" The conversation then immediately took another turn. Mr. Dyce Sombre told Mr. Trevelyan that his Wife had had connexion with her Father before her marriage, and that both she and 20 her Father had told him so. Mr. Trevelyan listened with astonishment; he had come there with an impression that he had been improperly confined; he let the conversation go on a short time, when he rose from his chair, and told Mr. Dyce Sombre he was afraid he could not be of any service to him, and left the house. To Mr. Martin, also, Mr. Dyce Sombre stated, the Queen had made him an offer of a Peerage if he would overlook the irregularities of his Wife; he said that was a very serious thing; "I never could do it, and therefore I have refused the Peerage."

Now I have come to the conclusion from all this evidence, that at the time when the Commission was issued and executed, this gentleman was of unsound mind. I think it is impossible to come to a different conclusion on the evidence, or upon evidence very far 30 short of that which I have stated. It is supposed that there was a conspiracy. I do not find the trace of anything like a conspiracy; the persons who have given evidence are persons in the most respectable condition of life,—most honourable persons; the facts are stated in detail. Medical men conversant with the subject have been called in to draw their conclusions from it; they draw their conclusions not only from that evidence, but their conclusion from facts and statements made by the Lunatic himself in their own presence, and they are of opinion that this gentleman was insane at the time when the Commission was executed. I cannot bring myself to a different conclusion. I think the verdict was a proper verdict, and, I am bound to say, I think this part of the case made out and established; and, therefore, the only remaining point to be considered is, 40 whether any such alteration has taken place in the condition of this gentleman that I ought to supersede the Commission.

Now with respect to this point, the course that has always been provided is this,—that where a party has been properly found to be of unsound mind upon a commission by a jury of this country, that the clearest of restoration to a sound state of mind must be made out to justify this Court in superseding the Commission. That is a principle which has always been acted on; if there are any remains of delusion, the Court refuses to interfere. Several cases of this kind have come before me: one a few weeks back. A gentleman came before me on an application to supersede a Commission. I directed him to be examined by medical gentlemen in whom I have confidence; they reported to me that he had actually recovered. It was my duty to see the party; I saw him and conversed with
 10 him. I asked him the history of the origin of his malady; he gave it with great distinctness. I asked him what were the delusions under which he laboured; he pointed out the delusions, and he said those were the delusions. I asked him in what they originated; he explained to me in what way they originated. I asked him, “Have they disappeared?” He said, “They have disappeared entirely.” “By degrees, or all at once?” His answer was, “By degrees, as I recovered my health by slow degrees, and I was sensible that I was in a state of insanity. I am sensible I laboured under the delusions; but they are entirely gone, and I feel myself completely now of sound mind and understanding.” That is the course of that proceeding. The party should be conscious he has laboured under those delusions; he should know what those delusions were; he should admit them, and be
 20 conscious that they are removed. That is the course of proceeding that should be adopted. It will not do for two or three men to say, “We have examined this man, and find no trace of the delusion.” Although they may be skilful men, they may fail. Persons in this situation have great command occasionally over themselves; it depends in whose presence they are examined; very frequently the most skilful persons are liable to be deceived. This is the principle on which the Court has always acted. Now, after the Commission, when he returned to Hanover Lodge, it was considered that it would be advantageous to this gentleman to travel under the care of a gentleman of the name of Grant; he went to Bath and Bristol, and ultimately to Liverpool. At Liverpool he was not properly watched and observed; he dressed himself leisurely; walked out of his bed-room; went
 30 down to the station; got into the train; arrived in London; got on board a steam-packet; arrived in France; went to Paris; he lived in Paris a whole week; he applied, I think, to the police. Mr. Frere, I think, went after him; application was made to the Ambassador to interfere; the Ambassador applied to the authorities; the authorities said they could not interfere unless he committed some breach of the peace, which he did not do. He resided like other persons in Paris; he lived there for a period of eight months, conducting himself with the utmost possible propriety, for anything that appears to the contrary. The evidence tends to show that he mixed in society; he dined out, and went to parties in the evening, and betrayed no symptoms of insanity. Two months after he arrived in Paris an inquiry was directed under the order of the Prefect of Police, and that inquiry was
 40 conducted in the presence of very skilful, scientific and able persons, two French physicians,—one, the physician to the King,—the other, physician to the Hospital of Paris, and Dr. Chermiside, the English physician to the Embassy. It was carried on with great care.

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The investigation lasted, I believe, for several days; it was conducted through the medium of an interpreter, Mr. Okey, the Counsel to the Embassy, and the result of the inquiry was, that they reported him to be perfectly sane. They detected nothing in the course of that examination betraying the least symptoms of insanity; he was collected,—perfectly possessed; his answers were all put and delivered in a gentleman-like way, and they were quite impressed with the conviction that at that period he was perfectly sane, and they have made their report; and those gentlemen have given their reasons—the course of examination and their reasons—which led them to the conclusion that he never was insane, which is founded on circumstances to which I shall presently advert.

Now I have got that document, and it is necessary I should observe upon it. These 10 gentlemen are men of admitted knowledge and science; but, after carefully considering that report, I think the conclusions are drawn from an imperfect acquaintance with the facts, and it is quite obvious that when you read that report, that if the facts had been properly presented to those learned and skilful persons, the conclusion would in all probability—I will not say, must necessarily—have been different.

There are four or five points in this report, the principal points, to which I wish to direct the attention of the learned Counsel, always being understood, in every observation which I make with respect to this report, that I mean to express myself with the greatest possible respect for the individuals by whom it was made. With the able person who presided, I am personally acquainted. With one of the medical men I have also the honour of being 20 personally acquainted. I know the other gentlemen by character and by reputation. They say Mr. Dyce Sombre constantly spoke with ease, without any distrust or restriction, save that which the delicacy of a well-bred man required. Thus, in speaking to him of a challenge he had sent some person during his stay in London, he requested that the names of the party might be suppressed, nevertheless he entered into a full explanation of this affair, and with the exception of the name of the party, gave them communication of the letters relating to this incident. That was one of the points that was insisted upon, the challenge; but how does that correspond with the fact? Mr. Dyce Sombre explained it; there was a challenge; it does not appear which challenge he adverted to. He explained that challenge in a gentlemanlike reasonable way, and the grounds of it. Suppose the transaction with 30 respect to General Ventura had been presented to the minds of these gentlemen,—General Ventura, his old friend, who had come with his daughter to the Clarendon Hotel, and passed two or three days there in company with him; that Mrs. Dyce Sombre had left the hotel to go to her Father's, under the care of Mr. Dyce Sombre himself, and that he had supposed that General Ventura, in the interval, had availed himself of the opportunity to run down by the same train to Meaford for the purpose of having an intrigue and criminal conversation with Mrs. Dyce Sombre; that in consequence of this, three months afterwards, he had sent a letter containing a challenge to General Ventura, who had left the country, and desired the messenger with that challenge to follow him to Paris, to Marseilles, to Malta, to Egypt, and to India; would they have drawn the same conclusion from the fact of that challenge? 40 Or suppose they had been told he had challenged Sir Hume Campbell, because Sir Hume Campbell looked at his hat; suppose they had been told he challenged the Chairman of the

East India Company in consequence of the decision of the East India Company against him, and one of the Directors, Sir Richard Jenkins, from the same cause ; suppose they had been told he had sent a challenge to Sir Robert Peel in consequence of his confinement in Hanover Lodge, not being able to obtain justice ; suppose all these circumstances had been represented to them instead of that individual and particular challenge, the identity of which I am not able to ascertain ; is it reasonable to suppose those learned persons on the subject of the challenge would have come to the same conclusion to which they have come in this case ? The conclusion is too monstrous a supposition.

Now then, look at the second point to which they refer. They say that particular documents were submitted to them : “ The greater part, those particularly emanating from the English authorities, consisted in the mere expression of mental alienation, without detailing either its form, state or particularities.” It is clear, therefore, their information was imperfect. “ But among them were, first, a letter, signed J. Clark, addressed to one of the undersigned, Dr. Chermiside, in which were enumerated the principal points constituting Mr. Dyce Sombre’s madness. Second, a species of memorandum, in Mr. Dyce Sombre’s own hand-writing, written during his confinement, which, if really intended for a fixed purpose, would appear completely unreasonable. This document was exhibited on the Commission of Lunacy.” Now then, with respect to Mrs. Dyce Sombre : “ Mr. Dyce Sombre has made no complaint as to his Wife’s misconduct.” Does that correspond with the fact ? He consequently had for Mrs. Dyce Sombre that susceptible, and even punctilious respect, which is not felt for a woman who deceives you ; he expresses nothing to induce a supposition of Mrs. Sombre’s misconduct (the word was said and well explained), and consequently he is not called upon to furnish any proofs thereof. He has, he says, his opinion on the grievances that may subsist between him and his Wife, but they are not of a nature to dishonour Mrs. Sombre. He even communicated a letter addressed to him by this lady, on the 6th October 1843, which letter contains sentiments very little in harmony with those ideas said to be entertained by Mr. Dyce Sombre. All those questions have been thoroughly entered into. Now, how different that is from the real facts of the case. They say he imputed no misconduct to Mrs. Dyce Sombre. Had these gentlemen been told that, over and over again, he imputed to her the gross misconduct of having criminal connexion with her own Father, and that she herself and her Father had avowed it ? That she had had intrigues with persons in the lowest station of life, both before and after marriage ; that she had made a property of it ; that she had been an opera dancer ; that it had been carefully concealed from him. If these and other similar circumstances, which are disclosed in the affidavits, had been laid before these gentlemen, would they not have come to a directly contrary conclusion ? They have come to a conclusion that he imputes no misconduct to her ; that it is the mere offspring of the jealousy of an oriental person ; that there are little differences between him and his Wife. He explains all these matters in a manner which is quite satisfactory to the Commissioners, and they do not think on this there is any ground to consider him insane. Again, with respect to the document to which they refer : they say with respect to that document, it is, “ A species of memorandum in Mr. Dyce Sombre’s own hand-writing, written during his confinement, which, if really intended for a fixed purpose,

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would appear completely unreasonable." What do they say with respect to that document? Mr. Dyce Sombre represented it thus: "That during his confinement on one of those days, many days of idle leisure, and under the influence of ideas caused by his youth, the strength of his constitution, and the abstinence of all sexual intercourse, he had mechanically written on a scrap of loose paper some disconnected phrases, such as, 'The Archbishop of Canterbury ought to send me a young girl.' He also thought, having added, in his idle leisure, in allusion to the Archbishop of Canterbury, several jokes dictated by a Catholic sectarian spirit, as also some few broken sentences, the result of ideas on his position with regard to his Wife, and the reveries which it suggested to him in the midst of his solitude, that this paper had neither form of letter or note; that he had never sent it to any one; that he 10 only looked upon it as a thing to be burned, and that he attached so little importance to it, that he must have left it on a table, from which Sir J. Clark had taken it the next day without any opposition on his part. This document had afterwards figured in the Commission as a proof of his mental alienation. These explanations, entirely spontaneous, were given with simplicity; continually questioned on this head, Mr. Dyce Sombre always explained the facts in like manner, almost laughing at the blunder which had transformed this frolic of a prisoner's imagination into a serious document, into conditions dictated by madness. This explanation, with the form it assumed, completely convinced the undersigned Doctors." That is another ground; they say, that if this document had been drawn for a fixed purpose, they should consider it as a proof of insanity. What is the evidence? The evidence is this: 20 that when he saw this lady, Mrs. Dyce Sombre, at Hanover Lodge, he told her in terms the conditions on which he would receive her back, and he stated these as the terms under five heads. He afterwards, in the presence of Sir James Clark, over and over again, stated, that on those conditions he would take her back. Sir James Clark said, "Put those conditions in writing; let me have them in writing." They were written accordingly at his desire, by Mr. Dyce Sombre, divided under five heads, as the terms and conditions on which he would take her back. The document has been read. It was a document, therefore, deliberately given for a purpose; and in my presence, when the Doctors, the medical men to whom I shall refer, interrogated him on the subject, he said that those were the conditions on which he would take her back, but that nothing now would induce him to take her back; 30 he would not now receive her on any terms, but that he would have done so at that time. If this had been made known to those learned, and able, and skilful persons, is it not quite obvious from their own document, and their own statement, that the conclusion which they would have drawn would have been directly the reverse of the conclusion to which they have arrived? They consider it a light frolic, arising from a moment of leisure, not done with a deliberate purpose, and they draw that conclusion from that view of the case, so represented with great skill and great talent by Mr. Dyce Sombre, for he had great skill and talent in concealing the appearances of his malady; so far, therefore, from this report being at variance with the conclusion drawn in this country, it appears perfectly clear, as it appears to me from the observations of those learned persons, that if the facts connected 40 with this part of the case had been correctly laid before them, they would have come to a conclusion directly the opposite to that which they appear to have come by their report.

Again, another head is as to the food. Mark throughout this the skill of Mr. Dyce Sombre. He had said, they had put something in his food. See what representation is made, and how ably he combats the conclusion to which he apprehended that a correct statement of the facts would have led. Mr. Dyce Sombre further spontaneously states, that three days before the proceedings he had an indisposition that lasted two days; that it began in the night, and was most particularly characterized by violent swimings in the head; and reflecting on this state, which appeared to him very unusual, he believed that some particular substance had been mixed up with his food, but that this supposition was the result of an explanation that had occurred to him during his confinement, and in presence of an indisposition which he had never previously felt. He confines it to Hanover Lodge, to a single instance, and he explains it with reference to that instance, and he does not go further. Why it was a continual impression which existed in his mind. At the Clarendon Hotel he charged the waiter with it; the waiter replied he hoped he was not capable of such conduct. In the journey on the continent he continually insisted on it; in his journey to the North he made the same observation, and the same objection, and regulated his food accordingly; and also at Hanover Lodge he repeated the same observation, and made the same remarks. Is this explanation satisfactory? Is this conclusion drawn from the real facts of the case, or from some represented by Mr. Dyce Sombre at the time, and which they considered as a correct representation of the facts, and if a correct representation of the facts leading inevitably to the conclusion which those learned persons have drawn, but a conclusion directly opposed to that which, in all probability, they would have come to if the real facts of the case had been presented?

Now there is one more, the fifth head, open nearly to the same observations. "He fancies himself worried by ghosts; and on this head you will at once discover the state of his mind. This subject was also introduced with all the care and pertinacity that the case required. Mr. Dyce Sombre said that he never had been worried by anybody else but by the guardians, who, very often entering into his room very abruptly at night, would awake him suddenly, which would fatigue and annoy him; he even complained to Dr. Clark on the subject. Is that what has been considered as hallucinations? The undersigned doctors cannot be of that opinion." Undoubtedly they could not be of that opinion. But were those the facts of the case? Was it confined to what took place at Hanover Lodge? Did it not extend to his residence at the Clarendon? Had he not there seen what he called Spirits? Had he not there described their character? Is not that stated distinctly in the affidavit of Mrs. Dyce Sombre; stated also in the presence of Mrs. Dyce Sombre's Cousin, Miss Charlotte Parker; stated also to Sir James Clark? The facts, therefore, from which these gentlemen drew their conclusions were facts totally different from those which, in point of evidence, existed in the case, and ought to have been represented to them. They ought to have had the means of knowing them before they were called upon to make their report. I admit the learning; I admit the intelligence and science of these gentlemen, and that they may have drawn proper conclusions from the manners of this gentleman and the facts that were before them; but the conclusion is not a correct conclusion, because the facts on which that judgment was formed were not the real facts of the case, but were facts leading to an entire and totally opposite conclusion. Other gentlemen have given their evidence in Paris

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with respect to the conduct of Mr. Dyce Sombre. Dr. Bertin, a physician of eminence, educated in England; Dr. Verity, an Englishman, and several other gentlemen of great eminence. They do not state very distinctly, in the manner of this report, the particular grounds of their opinion, and therefore I can come to no certain conclusion on the subject, and cannot combat their conclusions; but the probability is that they were not better informed than those learned persons to whom I have referred, and if they were not better informed, it was not unnatural that they should come to this conclusion. It is to be observed that this gentleman, Mr. Dyce Sombre, while he was resident in Paris, remote from the principal object of his excitement, in all probability resumed, to a certain degree, his calmness of mind, and, to a certain degree, got rid of his delusions; they would be more easily 10 suspended; they would easily cease from their operation at particular times; therefore it is on those occasions he might be conducting himself with great calmness, great circumspection, great skill; for his calmness, his circumspection, and his skill is evidenced by the very course and tenor of this report; and I know, and we have it in evidence, that for eight months in Paris he conducted himself as other people conduct themselves, without doing anything that at all appeared improper, at least there is no evidence of it. But then there is evidence of what took place in Paris, which shows to a demonstration, that their conclusions were incorrect; not only that he had been originally of unsound mind, but that while he was in Paris those delusions continued. I refer first to the evidence of a person much acquainted with him, a gentleman of the greatest respectability and character, whom many of us know; I 20 mean Mr. Quintin Dick. Now, what does Mr. Quintin Dick say? He says, "That in the month of December 1843, and January 1844, deponent was at Paris, and he frequently met Mr. Dyce Sombre, and had conversations upon various subjects, and, among others, upon the subject of Mrs. Dyce Sombre, and that upon all other subjects except Mrs. Dyce Sombre he appeared to deponent to be perfectly rational, but upon the subject of his Wife he appeared to be under very extraordinary delusions. On deponent first meeting with him in Paris he complained that his fortune had been taken from him, and that they did not allow him sufficient to maintain him, and that his Wife was a party to it; and then he stated that it was a notorious fact she was guilty of many infidelities; and on this deponent reasoning with him, he said it was a matter of perfect notoriety, and this deponent and others were in a conspiracy 30 to conceal the truth; that Lord St. Vincent, her Father, had had connexion with her before her marriage. And on this deponent expressing surprise at such an accusation, Mr. Dyce Sombre said it was quite true, and Sir James Clark could prove it. Saith it was impossible to reason with a man who was under such delusions. Saith that the manner of Mr. Dyce Sombre was quite collected, and he spoke like a man who was quite convinced of the truth of what he was saying." What do you say then to the inquiry before the physicians if what Mr. Quintin Dick states is true, that he was at that time labouring under the same delusions under which he had laboured in England? This is the course of reasoning to be adopted on a subject of this kind: if the evidence shows, by the testimony of a person on whose evidence you can rely, that he labours under a delusion, if a hundred persons of the greatest skill and 40 science should examine him and not detect that delusion, the affirmative evidence must prevail and outweigh the negative evidence. Everybody knows, and I have before made the

observation, the power of concealing delusions of this kind, and infirmities; many instances have been mentioned at different times as anecdotes in the profession. We all know, a man in this way may be collected at one time and lay himself open at another; and therefore if the report of the learned men to whom I have referred had been founded on the real state of the facts, it could not be put in opposition to the testimony I have just read of Mr. Quintin Dick. But it does not rest on the evidence of that gentleman alone; Mr. Okey's evidence is to the same effect, and still stronger. What does Mr. Okey say? Mr. Okey is the counsel to the British Embassy, and Mr. Okey says, "that during the last winter he had often called on Mr. Dyce Sombre with communications from the Honourable Mrs. Dyce

10 Sombre, and on those and other occasions he has conversed with Mr. Dyce Sombre on the conduct of the Honourable Mrs. Dyce Sombre; that he told deponent several times that his Wife had had criminal intercourse with two persons whom he named, and that it was hard upon her that the man did not take her, as he was rich; that the best thing for her would be to go to him; that he would refer her conduct to the Jockey Club of Paris, and abide by its decision;" and he writes this in several letters. He made a proposition in several letters "to refer the matter to the Jockey Club;" to abide by its decision; "and to deponent's observation that he had no ground for such accusation, he replied that he and everybody knew it was so. Says that on one occasion, about the month of January last or February last, Mr. Dyce Sombre described to deponent a meeting between his Wife and a gentleman

20 he named," that is, Sir Frederick Bathurst, "in the Regent's Park, at 12 o'clock of the day on which he was put under restraint at Hanover Lodge; and when deponent observed how mad he must be to talk so of his Wife, and that the most abandoned person would not be guilty of such conduct, he replied that he had mentioned it to Sir James Clark, who said it was true. That on another occasion, which he remembers was in the beginning of February last, Mr. Dyce Sombre said to deponent that it was fortunate for his Wife he was put under restraint the day that he was, as it was that day his intention to put his Wife to a lingering death, which he therein described, and that he knew he would then have been hanged for it, but that it would have served her right; and on another occasion, alluding to Mrs. Dyce Sombre, Mr. Dyce Sombre said to deponent that society in general was just as bad, and that

30 so many Peers had offered him their wives that the Queen, who was aware of it, had offered him a Title to hush it up." This takes place shortly after the period at which that inquiry took place to which I have already referred. It is impossible therefore for me to come to the conclusion that, during his residence in Paris, he was not still labouring under those delusions which prevailed previous to the execution of the Commission.

Then upon the application to the Court to supersede the Commission, and upon these representations, Mr. Dyce Sombre comes to this country. Of course it was necessary that he should be examined. I took what I considered proper precaution for that examination, that it might be conducted with the utmost regularity and fairness; there were two gentlemen, Dr. Southey and Dr. Bright, whom the Court is in the habit of consulting on these subjects.

40 I saw Mr. Dyce Sombre myself. I told him the position in which those gentlemen stood; that they were personal friends of mine; that they would attend for the purpose of protecting him, if it was necessary, during the inquiry; and they did attend, and Sir James Clark and Dr.

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Conolly and Dr. Monro examined him for the purpose of ascertaining whether he had got rid of the delusions. It is necessary therefore that I should refer to that part of the affidavit of Sir James Clark, stating at the same time that that part of the affidavit of Sir James Clark corresponds with the affidavits of Dr. Conolly and Dr. Monro, who were present at the same time, and were witnesses of it. Now Sir James Clark says, "That on the 17th of June instant, at the request of the committees of the person of the Lunatic, he, deponent, in company with Dr. Monro and Dr. Conolly, visited the Lunatic in his lodgings in Half Moon-street, Piccadilly, in the presence of Dr. Southey and Dr. Bright, the physicians appointed by the Lord Chancellor for the purpose of ascertaining the present state of mind of the Lunatic. That after a long examination deponent found that the Lunatic is still 10 of unsound mind and labours under the same delusions as he was under before and at the time of executing the Commission last year, and more particularly deponent saith that the Lunatic again affirmed that the Viscount St. Vincent had told him that a servant had had connexion with his Wife, who is the Viscount's Daughter, at Dover, before her marriage, and that she had herself told him, the Lunatic, that she had received men from her Father down to Tradesmen; and the Lunatic explained distinctly that by receiving men, he meant the having criminal conversation with them. And the Lunatic also insisted that he was told (but declined giving the authority) that his Wife had danced in an Opera Ballet before her marriage. Says that on such last-mentioned examination the Lunatic admitted 20 that the conditions on which he would receive back his Wife were a duel of three fires with Sir Frederick Bathurst, and that he, the Lunatic, should have connexion with her in Hyde Park, and that he should take her back from thence on horseback; he first said it should be a roan horse, but afterwards said he should not insist upon that point. The said Lunatic further observed that he did not know what he might have been driven to do to Mrs. Dyce Sombre; and he admitted it to be his belief that medicine had been put into his food to injure him. He stated that deponent had advised him to call out Sir Robert Peel. He admitted that he had dined off an apple and porter to stop the Queen's Levee, and that when he afterwards heard that the Levee had nevertheless been held, he had thrown a decanter of wine through the window; he further insisted that the acts of the House of Commons ought to be null and void in consequence of his confinement. He would not admit that he ever had any 30 belief in Spirits, and endeavoured to explain what had occurred on that subject by referring it to the circumstance of the guardians having come into his room in the Regent's Park, and disturbed him. He denied that he had, at any examination at Paris, expressed an opinion of Mrs. Dyce Sombre different from that which he had now given. Says that the whole bearing and demeanor of Mr. Dyce Sombre, and the statements which he made and the expressions he used during the last-mentioned examination, afforded, in the judgment of deponent, ample proof of his mind being still possessed with his old delusions. Says that he is of opinion that Mr. Dyce Sombre, without being in any way cured of his delusions, is quite capable (in the absence of evidence to contradict him) of dissembling his delusions and of inventing plausible stories to explain and account for them to strangers. Says that the manners of 40 the Lunatic, so far as deponent has witnessed them, were in general remarkably quiet and self-possessed for ordinary purposes and occasions having no reference to the delusions which

possessed him, and that the same appear calculated to prepossess strangers in favour of what he said, and even to induce a belief that his extravagant ideas were not so totally destitute of foundation as they might first appear to be, and as they would have been proved to be on a more intimate knowledge. Says that during all the time this deponent attended him his mind has been and still is possessed with such continuous rooted and dangerous delusions as, in deponent's judgment, must and do render him, the Lunatic, notwithstanding the faculties which he possesses, decidedly incompetent to the management of himself and his affairs." I have stated Dr. Monro and Dr. Conolly concur in this statement, making affidavits in substance the same as the affidavit of Sir James Clark.

- 10 Now, then, on the other side, and in answer to these affidavits. Affidavits have been filed on the part of Mr. Dyce Sombre by the medical men whom I will now mention; I think they are four or five in number: Dr. Paris, the President of the College of Physicians; Mr. Lawrence, a surgeon of great eminence; Mr. Copeland, a surgeon of great eminence; Mr. Key, a surgeon of great eminence, and a physician of the name of Dickson. Now I will read the affidavit of Mr. Lawrence. He says, "That he visited Mr. Dyce Sombre professionally on the 23d instant, at the request and in company with Mr. Leman; and he also saw Mr. Dyce Sombre on the 24th instant, when Dr. Paris, Mr. Copeland and Dr. Dickson were present. That he had a long conversation with Mr. Dyce Sombre on various subjects. That his, Mr. Dyce Sombre's, answers to questions, his remarks, his appearance and behaviour, were perfectly
- 20 rational and proper, and did not afford the slightest ground for any suspicion of insanity. That when he, deponent, spoke to him of his Wife's conduct, he was unwilling to entertain the subject, saying that he had explained everything to Dr. Southey and other medical gentlemen who had visited him; that he could not go over the matter again; that it was extremely disagreeable to him; that it would make his head ache. He added, that he had dismissed the subject from his thoughts, washed his hands of and never wished to hear of it again. Says that it did not appear to him that Mr. Dyce Sombre entertained any ill will towards Mrs. Dyce Sombre. Says that from a further exposition of his feelings, which he entered into on Monday the 24th instant, in answer to questions put by Dr. Paris, it became clear that Mr. Dyce Sombre entertains strong and perhaps unfounded impressions respecting the
- 30 conduct of his Wife. Says he could not ascertain the origin, exact nature, or extent of these impressions, partly from Mr. Sombre's repugnance to the subject, and partly from his imperfect acquaintance with the English language and his want of quickness and clearness of comprehension. Says that the source of the mischief appeared to be jealousy in its highest degree, acting on the excitable temperament of an Asiatic, and exaggerated by the strong contrast which exists between European and Oriental feelings and manners in respect of female propriety and purity, and the relations of the sexes in married life. Says that in the course of conversation Mr. Sombre indulged sometimes in warmth of expression, and when experiencing apparently a want of words to convey his meaning adequately, endeavoured to enforce it by the aid of gestures, but which did not go to the extent of violence. Says that in forming an
- 40 opinion on this subject, he, deponent, considers he must bear in mind the race to which Mr. Sombre belongs, his excitable temperament, the social position that he has occupied, and the uncontrolled power which, as deponent has been informed, he enjoyed in his own country,

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and the deep degradation he considers he has experienced in being deprived of his liberty, stripped of the control over his property, and confined for months as a lunatic in England. Says that Mr. Dyce Sombre expressed a strong sense of the injustice he had experienced when, after leaving France, as he supposed, under an expectation of perfect freedom from all personal annoyance, he found that persons were placed in his house to watch what he, Mr. Dyce Sombre, did, and to follow him wherever he went. Says that all such proceedings would naturally cause annoyance and irritation in the most sane person, and lead to strong language, more especially if such a person were a foreigner, accustomed to laws and usages totally different from our own, and unable to understand the legal circumstances and considerations belonging to his own position. Says he considers that for the unfortunate circumstances 10 which have attended Mr. Dyce Sombre's marriage, and the opinion he has been led to form respecting his Wife's conduct, the proper remedy appears to deponent to be a separation of the parties, and not the treatment of Mr. Dyce Sombre as a lunatic. Says he considers that if the latter course should be persevered in nothing is more likely than that he may become really deranged, while if the great source of his present irritation be removed, there can be no doubt whatever, in the opinion of deponent, that he would be tranquil and rational and behave unexceptionably, as he, deponent, understands he has done during his late residence in France. Says that with the qualification of a doubt respecting the nature of the impressions entertained by Mr. Dyce Sombre on the subject of his Wife, he, deponent, considers that Mr. Dyce Sombre is not of unsound mind, and that he ought to be restored to liberty and to have the 20 control of his own property and of his own person." No person can be more able than the gentleman whose affidavit I have just read, but it is impossible to read this and not to feel the doubt and hesitation that prevails throughout. That affidavit is in conformity with the affidavits of the other physicians whose names I have mentioned; they, with the exception of Dr. Dickson, impress me with the feeling that they were 'drawn up with doubt and with hesitation as to the state of Mr. Dyce Sombre's mind; but supposing it to be otherwise, I cannot put these affidavits in competition with the other affidavits founded upon distinct facts of stated delusions corresponding with the delusions that formerly existed, delusions of so marked and extraordinary a character as to constitute in my opinion unsoundness and infirmity of mind. 30

I have before said that it is the duty of this Court not to supersede a commission that has been once issued, on the supposed ground that the party has recovered, unless upon the most clear and satisfactory evidence that such recovery is effected. In the conflict of evidence, if it can be considered a conflict of evidence, between these affidavits, I should not be justified in at present superseding the Commission. But the case does not rest there. I felt it my duty to see this gentleman personally. I felt it my duty to call in to my assistance Dr. Southey and Dr. Bright, that they might be present, and take part in the examination. I have requested them to make their report on that subject; I have read that report; it is a faithful account of what took place at the time, although perhaps it does not state to the full extent the delusions which appeared to me at that time to exist in the 40 mind of this gentleman. I will read that report: "July 24th, 1844. My Lord, During our interview this morning with Mr. Dyce Sombre in your Lordship's presence, we were

unable to discover any material abatement of the extraordinary delusions which have long had possession of his mind." This is not the first time that Dr. Southey and Dr. Bright had examined this gentleman; they had done it before at my desire. "He still persists in the most mistaken belief in his Wife's unchastity, as well before the marriage as since. He asserts that she unreservedly acknowledged an incestuous intercourse with her own Father, and he alleges that on charging Lord St. Vincent with the heinous crime, he only hung down his head, but did not disavow the charge. He further stated, that by the admission of both the Parents of Mrs. Dyce Sombre, she had illicit intercourse with various persons before her marriage with him; and on being asked whether such disclosures were not calculated to make him shrink from a matrimonial union with a person so abandoned, he replied in the negative, remarking that it was not at all uncommon in India to marry dancers and persons of no reputation for chastity." I supposed that that had been said by Dr. Drever. I correct that observation by this. Dr. Drever asked him why he had married her, and why he had not mentioned the circumstance to him, for he said, "I should have advised you not to marry her, and I should have advised Lord St. Vincent not to have allowed you to marry her;" to which Mr. Dyce Sombre answered, "I did not mention it to you because I thought you would interfere, and prevent the marriage." I correct that part of my statement. "Mr. Dyce Sombre afterwards avowed his determination never to be reunited to his Wife, although he acknowledged that he was in earnest on a former occasion, when he proposed certain conditions on the performance of which he was at that time willing to receive her again as his Wife." These conditions were mentioned in confidence in the paper; his attention was called to them in detail; and he admitted those were conditions on which he would at that time have received his Wife, and he said that nothing now would induce him to receive her. "He admitted that he entertained strong suspicions concerning Sir Frederick Bathurst, to whom he imputed adulterous intercourse with his Wife, and he would not allow that it was a hasty step, on mere suspicion, to send a hostile message to Sir Frederick Bathurst, with whom it appeared that he has very recently expostulated on the subject of this imputed infidelity of his Wife. On being interrogated as to the introduction of deleterious drugs into his food, he expressed his conviction that such practices had taken place, and he described to us certain painful sensations in parts of his body, which were intended to be injuriously affected thereby. Mr. Dyce Sombre did not conceal from us the fact of his having recommended his Wife to send a challenge to Lady —," I need not mention the name, "on the ground that both that lady and Mrs. Dyce Sombre regarded favourably a particular individual; and he expressed his belief that such a step was natural and proper, when the affections of two ladies happened to be directed towards the same person. He told us further, that he himself had proposed to his Wife to fight a duel with her, she taking one pistol for that purpose, and he the other. Mr. Dyce Sombre also admitted, that on one occasion he was so irritated by her conduct, that he warned her to take care what she said, as there were knives on the table, and he might not be able to restrain himself from cutting off her nose if she further provoked him. Concerning the visit which he paid to Dr. Elliotson, he informed us that he believed Dr. Elliotson to possess some extraordinary faculty by which he could greatly increase the sexual intercourse of females, and this power

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“ he had exercised in the case of Mrs. Dyce Sombre. Mr. Dyce Sombre manifested in the
 “ whole course of our interview with him a familiar acquaintance with the English language ;
 “ and indeed it appeared from the history he gave us of his early education, that it was con-
 “ ducted by an English clergyman, and that from his youth he has been accustomed to the
 “ best English society. Of this fact his language and deportment furnish ample evidence.
 “ The delusion, nevertheless, to which we have adverted, appears to us to be so strongly
 “ riveted in the mind of Mr. Dyce Sombre, that we cannot regard him otherwise than as a
 “ person of unsound mind, whose case still requires the care and protection of the Court.”
 I might have alluded to a letter of Mrs. Dyce Sombre's, which is referred to in the Report of
 the Physicians. I have not seen that letter ; but I have reason to believe from that and 10
 other circumstances, that it was a letter offering to go with him to the Continent, for the
 purpose of travelling with him and taking care of him, and it has been suggested that that is
 inconsistent with her notion of his insanity. I do not consider it in the slightest degree to
 be inconsistent with that opinion ; she had lived with him for a considerable time when he
 was labouring under those delusions, at the imminent peril of her life ; she was unwilling to
 allow him to be put under restraint ; she had heard that in Paris he was living regularly,
 and that these delusions had in a great degree subsided ; they did not show themselves.
 What was there unnatural, therefore, in an affectionate Wife, under such circumstances,
 wishing to rejoin her Husband, to take him under her special care, in the hope that, by
 attention and vigilance, he might be cured of that delusion under which he had for so long 20
 a time laboured. I conceive there is nothing inconsistent in this letter with a firm conviction
 on the mind of this lady that he was labouring under those delusions at that time. There
 is another observation which I intended to make, but which escaped me at the time, which
 is this : it appears to me most extraordinary that Mr. Frere should have left Paris at the
 time when he left it. He knew that the inquiry was about to take place ; he must have
 known that it was most important that all the facts should be presented to the persons by
 whom that inquiry was to be conducted ; and yet upon the eve of that inquiry, I believe
 upon the very day before, after the period was fixed for the inquiry, he who possessed the
 most accurate information as to all the details which might have assisted in bringing the
 gentlemen who conducted the inquiry to a correct conclusion, leaves his post in Paris, 30
 leaves them to grope their way in the dark, and returns to London. I have had no sufficient
 explanation given us of that conduct ; it has impressed itself strongly on my mind through-
 out the whole of this inquiry. I cannot ascribe to you any cause whatever in my own mind,
 nor can I divine the motive. It has been suggested that Mr. Frere thought it unnecessary
 to attend, for that these gentlemen had made up their minds on the subject. I cannot allow
 such an imputation for a moment to be made. I am quite sure that that inquiry was con-
 ducted in good faith, *bonâ fide*, and with the view of coming to the proper result, and that
 they would have hailed the attendance of Mr. Frere on the occasion as a circumstance of
 great importance in the inquiry, for the purpose of apprising them of all the minute facts
 attending those delusions which were imputed to Mr. Dyce Sombre. Mr. Frere ought to 40
 have attended at his post, and certainly ought not to have deserted it, and the duty that he
 owed to this gentleman on so remarkable and memorable an occasion, an occasion in which

his own client was so deeply interested : I cannot explain this conduct on the part of Mr. Frere. The result of the whole is this, that it is impossible for me to supersede this Commission : I cannot do it consistently with my duty. Those who have attended to the detail of the facts which I have thought it my duty to develop on this occasion, must be satisfied that I cannot do otherwise than, for the present at least, to refuse to supersede the Commission.

Another consideration, and that one of great importance, is what course ought to be pursued with respect to this gentleman. I have read with attention the closing part of the affidavit of Mr. Lawrence, for whose judgment and science I entertain the greatest possible
 10 respect : he says, "He considers that if Mr. Dyce Sombre is to be treated as a Lunatic," by which I presume he means, if he is to be shut up in confinement and have a guard over him, "that if the latter course is persevered in, nothing is more likely than that he may become really deranged, while if the great source of his present irritation be removed there can be no doubt whatever, in the opinion of deponent, that he would be tranquil and rational, and behave unexceptionably, as deponent understands he has done during his late residence in France." It is impossible that such an opinion of Mr. Lawrence's would be lost upon me, and considering that he did during his residence in France conduct himself, as it appears, with perfect propriety, I shall feel it my duty to take all these circumstances into my consideration before I make any final order as to what shall be done with Mr. Dyce Sombre. If
 20 Mr. Dyce Sombre would be willing, under the care of some proper person, to return to Paris, I do not think there would be any difficulty on the part of the Court in acceding to such an arrangement ; but it is not necessary I should state it at present ; Counsel are not prepared for it on either side. All I can do at present, and all I am called upon to do, is to say that it is impossible for me on the evidence into which I have thought it my duty to enter at so much length, it is impossible for me, under the circumstances, at present to supersede the Commission. I beg the Counsel on both sides to bear in mind the latter observations I have made.

There is another circumstance also to which Mr. Lawrence alludes, and which is a circumstance deserving of consideration. In ordinary cases it is proper that the Wife should be the
 30 Committee of the person ; where there are difficulties in the way of it, or objections, the Wife is made Committee of the person, but is in general associated with some other person, and the particular care of the Lunatic is entrusted to that other person without the interference of the Wife, in order that the circumstance of her being one of the Committees may not operate injuriously to the Lunatic. It is material to take that matter into consideration in this case, because if being removed from Mrs. Dyce Sombre is to remove from him a cause of irritation, the less Mrs. Dyce Sombre has to do with him as to his superintendence is obviously the better for Mr. Dyce Sombre. The only order therefore I can make at present is to refuse the application to supersede the Commission.

In consequence of something personal to myself with respect to Mr. Dyce Sombre's
 40 coming to England, I must state what took place at that time. When the application was first made to me, I refused to supersede the Commission unless Mr. Dyce Sombre was present. I had not actually made any positive order to that effect ; but it is quite clear from what fell

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from me that I felt I should not be justified in superseding the Commission without an opportunity of personally examining him. He was disinclined to come. I stated on that occasion, if he came here he need not be afraid of any violence; that I would protect him from any violence. He came here; he attempted to go away again; and it was not until he attempted to go away again that he was put under any restraint or surveillance of any description, at least not under my authority. He attempted to go away, and then I thought it necessary to apply to the police to appoint two persons to prevent him making his escape. What fell from me the Secretary has stated in this way: "In the matter of the Petition of
" Mr. Dyce Sombre to the Lord Chancellor for a supersedeas of the Commission of Lunacy,
" Mr. Bethell and Mr. Calvert, of Counsel for the Committees of the Person having taken a 10
" preliminary objection that this Petition ought not to be entertained by the Court until Mr.
" Sombre came within its jurisdiction. The Lord Chancellor observed, that Mr. Dyce Sombre,
" if he came to England, would be under his protection, and that his Lordship would take care
" that he was properly treated, and if his Lordship should be of opinion that he was of sound
" mind, Mr. Dyce Sombre would be at liberty to go where he pleased. Mr. Bethell then said
" he would undertake that the Committees should not themselves, nor should any other person
" by their authority or direction, interfere with Mr. Dyce Sombre on his coming to England,
" without the sanction and direction of the Court. The Lord Chancellor observed, that he
" understood Mr. Dyce Sombre had conducted himself properly in Paris, and would require
" no restraint here, and that he might safely confide in the protection of the Court. Mr. 20
" Bethell accordingly gave the following undertaking on the part of the Committees of the
" Person: 'I undertake, subject to and with the sanction of the Lord Chancellor, that if Mr.
" Dyce Sombre shall visit this country, the Committees will not, either by themselves or
" any other person, in any way interfere with or seek to control the liberty or person of
" Mr. Dyce Sombre, unless directed so to do by the Lord Chancellor.' " That I believe was
communicated to Mr. Dyce Sombre, and on that communication he came, and I have been
most anxious to do every thing in my power to render his residence here as little unpleasant
as the circumstances would permit. Mr. Cartledge says, that that was given to Mr. Leman
for the purpose of Mr. Leman's communicating it to Mr. Dyce Sombre in Paris. Whether
Mr. Leman did or not communicate it I am not aware. I suppose he did. 30

Mr. Leman.—Yes, my Lord, it appears by my affidavit. I communicated it together with the opinion of the Counsel.

Sir T. Wilde.—What we took down from your Lordship was communicated to Mr. Dyce Sombre.

The Lord Chancellor.—Let there be no mistake as to that; this was given out by Mr. Cartledge as a minute of my order; it was furnished by Mr. Cartledge to Mr. Leman, in order that Mr. Leman might communicate it to Mr. Dyce Sombre in Paris. If Mr. Leman communicated something else instead of this it is not my fault.

Sir T. Wilde.—We certainly sent a Paper containing what we took down from your Lordship, and which the Reporter also took down. 40

The Lord Chancellor.—That is the proper document, for it was given out for the purpose.

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Mr. Leman.—I did communicate it, and I sent the Short-hand Writer's Report with it.

Sir T. Wilde.—The Short-hand Writer's Report together with our Paper.

The Lord Chancellor.—I believe it is hardly necessary to state that, Sir Thomas Wilde; you have your remedy with regard to this decision, because an Appeal will lie to the Privy Council.

Mr. Wakefield.—We should like time to consider it, my Lord; perhaps your Lordship will allow the Petition to be put in the Paper to be spoke to with regard to any directions
10 you will give as to the future management of this gentleman.

Mr. Kelly.—As regards this Petition, I understand your Lordship's decision to have been given. I do not wish to interpose.

The Lord Chancellor.—At present I refuse to supersede the Commission. I shall not decide finally as to what I should do with respect to this gentleman without hearing the learned Counsel on both sides.

Sir T. Wilde.—The only question, my Lord, is, what is to be his position in the meantime, and until your Lordship does pronounce such order as shall appear expedient.

Mr. Kelly.—I conceive, my Lord, that is a proper subject of reference to the Committee, not for discussion now.

20 *The Lord Chancellor.*—The Committee has nothing to do with it.

Sir T. Wilde.—If the decision may immediately take place and be acted upon, perhaps it is as well that the discussion should take place before the decision.

Mr. Wakefield.—After what has fallen from your Lordship, with regard to going abroad, we should wish to have a day or two to consider it. We should wish to have the Petition put in the Paper, and brought on before your Lordship, for you to make a direction on that Petition; that is the proper thing to do. The Great Seal is not tied down.

The Lord Chancellor.—There is no objection to Mr. Dyce Sombre continuing as he is now for two or three days.

Mr. Wakefield.—Till the further Order of the Court.

30 *The Lord Chancellor.*—I think the friends of Mr. Dyce Sombre had better advise with him. I do not know whom he confides in. I have reason to believe that he has withdrawn his confidence from Mr. Walpole; but certain circumstances have been communicated to me with regard to his conduct. I wish to say nothing more about it: I allude to something that has happened within a day or two. I think it would be better if he were to change his place of residence. In the first place it is rather too public. I do not know, Mr. Leman, whether you have his confidence?

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Judgment.

Mr. Leman.—I believe so, my Lord; he is waiting outside now.

The Lord Chancellor.—You know the circumstance to which I allude?

Mr. Leman.—Yes, my Lord; the warm bath.

The Lord Chancellor.—A man does not take a warm bath in the middle of the street.

Mr. Leman.—His rooms are exposed.

The Lord Chancellor.—Would it not be better that he should change his residence? You may suggest the propriety of that.

Mr. Leman.—I will, my Lord.

The Lord Chancellor.—If, while this is depending, anything offensive occurs of that nature, it will be absolutely necessary for me, for the sake of the public, to interpose. 10

Mr. Leman.—I will take care to communicate with him on the subject, my Lord.

Mr. Wakefield.—I believe Lord Eldon, in several cases of this kind, has directed the Petition to stand over, giving an interim direction as to the management.

Mr. Kelly.—The Lord Chancellor has done something very different this moment; he has dismissed the Petition. I do not wish to raise any discussion prematurely here, but I do not, at this moment, understand, after what has fallen from your Lordship.

The Lord Chancellor.—I refuse the application to supersede the Commission at present; but I may give directions, notwithstanding that, as to the mode of treatment.

Mr. Wakefield.—No doubt.

Mr. Kelly.—We should desire, after what has fallen from your Lordship, a day or two to 20 consider it. One cannot have listened to what has fallen from your Lordship now without feeling it requires attention and consideration.

Mr. Lloyd.—In the mean time, my Lord, the committee of the estate may go on making the same allowance?

The Lord Chancellor.—The committee of the estate must go on, of course; that allowance must go on, at all events, for the present.

Mr. Kelly.—Will your Lordship allow me to ask whether there is any early day when you would desire to hear what is to be said on this?

The Lord Chancellor.—I will hear it at my house whenever it is convenient.

Mr. Kelly.—In two or three days.

The Lord Chancellor.—Early in the week.

AFFIDAVIT OF MR. JOHN WARWICK.

Affidavit
of Mr. John
Warwick,
Sworn
18 Nov. 1846.

I, JOHN WARWICK, the person appointed by an Order made in this matter, dated the 19th day of December 1844, to attend upon the said David Ochterlony Dyce Sombre, make oath and say, that having, in the course of my employment, in the month of March 1845, arrived at St. Petersburg, I formed acquaintance with Doctor Handyside, an English physician, residing and practising in that city. And I was informed by Doctor Handyside that shortly after Mr. Dyce Sombre arrived in St. Petersburg, he consulted said Doctor Handyside for a derangement of the digestive organs; that at the third or fourth visit Mr. Dyce Sombre requested that gentleman to give an opinion as to the state of his mental
10 health. That Doctor Handyside requested time for more extended observation; and, after a few days, having, by perusal of a report of the last inquiry before the Court of Chancery, made himself acquainted with Mr. Dyce Sombre's leading delusions, he directed his inquiries to these points, and found that Mr. Dyce Sombre retained these delusions as strongly as formerly. That after this Doctor Handyside refused to furnish Mr. Dyce Sombre with the certificate of sanity, which he required, and was consequently dismissed. That at one of his visits upon Mr. Dyce Sombre, who was at the time staying at one of the English Boarding-houses in St. Petersburg, Dr. Handyside found him very unwell, and greatly agitated, asserting that the people of the house had attempted to poison him, and, presently, taking a poignard from a drawer, he unsheathed it, and walked about the room with the
20 weapon in his hand, exclaiming that he meant it for his enemies. That Doctor Handyside had great difficulty in calming his excitement; and he then learned that Mr. Dyce Sombre had been drinking large quantities of curaçoa, which had disagreed with him. And I say that in the month of August last I obtained an interview with General Ventura in Paris, formerly an old and intimate friend of the said David Ochterlony Dyce Sombre (but who has, for the last three or four years, been a principal object of the said David Ochterlony Dyce Sombre's delusions), for the purpose of procuring from the said General Ventura a narrative of his connexion with the said David Ochterlony Dyce Sombre, and of the treatment and conduct which he had met with from the said David Ochterlony Dyce Sombre since his return from India. And I say that the said General Ventura positively refused to make any
30 written statement or deposition touching the said David Ochterlony Dyce Sombre or his affairs. And I say that at my interview with the said General Ventura, the said General did, at my request, relate to me several circumstances, of which I immediately afterwards wrote a full memorandum, for the use and information of the Committees of the person of the said David Ochterlony Dyce Sombre. And I say that the following is a true copy of the memorandum so drawn out, and transmitted by me to Messieurs Frere, Forster and Company, the solicitors for the Committees of the person of the said David Ochterlony Dyce Sombre: "I became acquainted with Mr. Dyce Sombre first in India. When I heard of his coming
" to Europe, I felt anxious on his account: I knew him to be rich, young, and generous, and

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“ unacquainted with European manners ; and I feared that he might become the dupe of
 “ designing persons. When, therefore, I met him in Paris, I resolved to act the part of
 “ a guardian to him, indeed my sentiments at that time were almost those of a father towards
 “ Mr. Dyce Sombre ; I warned him against the deception likely to be practised on him.
 “ I introduced him into society, I presented him to the King, and obtained for him an invitation
 “ to dine at the royal table. In those days Mr. Dyce Sombre frequently spoke to me about
 “ marriage, and expressed an intention to marry an European lady, and, if possible, an English
 “ woman of suitable rank. I strongly advised him not to do so, from my knowledge of his
 “ character. I told him plainly that he was not suited to form a happy alliance with any
 “ European lady, and I predicted to him that if he did so marry, his marriage would prove 10
 “ unfortunate. To these observations Mr. Dyce Sombre replied that his mind was made up
 “ on the subject, and that he himself had none of my misgivings. In the course of time
 “ I heard of Mr. Dyce Sombre’s marriage. I visited London in the month of August 1842,
 “ and put up at the Clarendon Hotel. I had scarcely descended when Mr. Dyce Sombre,
 “ who resided at the hotel, paid me a visit, and almost immediately introduced me to
 “ Mrs. Dyce Sombre. I was much struck with Mrs. Dyce Sombre, and I then thought her, as
 “ I still do, one of the most perfectly charming women I had ever seen. As Mrs. Dyce Sombre
 “ stayed but a very short time in town, during my visit, I saw but little of her. Of Mr. Dyce
 “ Sombre I saw much more : he often spoke to me of his Wife, and hinted at certain suspicions 20
 “ which he had formed respecting her conduct ; he confessed himself to be extremely jealous
 “ of her, and bitterly regretted that the usage of society compelled him to allow Mrs. Dyce
 “ Sombre to go into company, where she was exposed to the attentions of other gentlemen.
 “ I, of course, reasoned with him on the folly of such ideas, but without any effect. Before
 “ I left, Mr. Dyce Sombre presented me with the engraved portrait of Mrs. Dyce Sombre.
 “ On the evening previous to my departure, it was arranged that Mr. Dyce Sombre should
 “ accompany me in the steam boat, from London Bridge, as far as Boulogne. When the
 “ morning came, however, he did not arrive, nor was I greatly surprised, as we started at an
 “ early hour. Shortly after that I left Europe for the East, and I heard nothing of Mr. Dyce
 “ Sombre, save indirectly through my friends in Paris. M. Feuillet de Conches, however,
 “ related to me, in one of his letters, a circumstance which a little surprised me. It seems that 30
 “ at some period, I don’t quite recollect the date, my daughter met Mr. Dyce Sombre in
 “ society at Paris ; my daughter was with Monsieur Feuillet de Conches, who led her close by
 “ where Mr. Dyce Sombre was standing, naturally expecting that he would take some notice
 “ of her ; seeing, however, that Mr. Dyce Sombre did not do so, M. Feuillet de Conches
 “ formally introduced my daughter, and then Mr. Dyce Sombre, after staring at her coldly for
 “ an instant, made her a stiff, distant salutation, and turned away. In the course of the even-
 “ ing, M. Feuillet de Conches spoke to Mr. Dyce Sombre on the subject, and asked him why he
 “ had treated the daughter of his old friend, General Ventura, so reservedly. Mr. Dyce Sombre
 “ replied, ‘ The General Ventura is no friend of mine ; he is a rascal and a coward, and I wish
 “ to know why he has not answered the letter I sent him some time back.’ This circumstance, 40
 “ so related in the letter of M. Feuillet de Conches, as I before said, surprised me for the
 “ moment, but I did not think much of it ; and when I wrote to M. Feuillet de Conches

" I charged him to tell Mr. Dyce Sombre that I had received no letter from him ; that I sup-
 " posed, therefore, there was some mistake, but that as I was coming back to Paris I hoped to
 " meet him, and that then we should, no doubt, set matters right. I afterwards learnt that
 " Mr. Dyce Sombre had lost his reason, that he had been placed under confinement by his
 " friends in England, but that he had contrived to escape, and come to France. For some time
 " after that I don't remember to have heard of anything connected with Mr. Dyce Sombre
 " relating to myself. In the summer of last year, 1845, about July, I visited London, and
 " while there received from Mr. Dyce Sombre a most violent letter, which I still preserve ;
 " in this letter, after abusing me for not having answered some letter which I had never
 10 " received, Mr. Dyce Sombre proceeds to address me in the most insulting and offensive
 " manner. I was greatly irritated by this epistle, and, under the excitement of the moment,
 " I resolved to seek Mr. Dyce Sombre at once, and demand an explanation of it. But before
 " doing so I showed the letter to two or three friends, and, among others, to Signor Solaroli,
 " the Brother-in-law of Mr. Dyce Sombre, asking their advice upon it ; they all gave me the
 " same answer, representing the impossibility of my fighting with a man who had been
 " pronounced insane in his own country ; and they assured me that if a meeting took
 " place, and I had the misfortune to kill Mr. Dyce Sombre, everybody would regard
 " it as an act of assassination, and that my character would be lost for ever. Influenced
 " by these representations, I determined to take no notice whatever of the letter. I
 20 " put it aside, and, after a few days, almost forgot it. Later in the year, I visited
 " Baden in company with some of my family. Shortly after my arrival at that place,
 " perhaps about the middle of September, I received a letter from a friend connected
 " with the secret police at Paris, informing me that Mr. Dyce Sombre had been in that city
 " making inquiries for me, and that, learning I had gone to Baden, he had expressed an
 " intention of also visiting that place ; my friend therefore advised me to be on the look out.
 " A few days after this, Mr. Dyce Sombre in fact arrived, and I soon met with him in the
 " public walks ; whenever he passed me he stared at me in the most insulting and offensive
 " manner, but I turned aside my head, and pretended not to see him. This had happened
 " two or three times, when, one day after dinner, walking on the Grand Promenade, then
 30 " crowded with company, I again met Mr. Dyce Sombre ; but this time, in passing, he
 " regarded me in so marked and provoking a manner as to attract general attention. Being
 " naturally hasty, I quite lost all command over my temper, and going up to Mr. Dyce
 " Sombre, I asked him what he meant by looking at me with such an expression ; and I said,
 " although they say you are mad, yet you are not always mad ; and even if you are mad, still if
 " you insult me by staring at me in the manner you did just now, I must employ means to
 " bring you to your senses. On my first accosting Mr. Dyce Sombre, he waived me away
 " in a contemptuous manner ; but when I had finished my address, he raised his cane as
 " though to strike me. Seeing this I quickly seized his wrist, and struck him with my own
 " cane twice or thrice across the shoulders ; we then closed and struggled ; but the bystanders
 40 " quickly interfered and parted us, and some police agents coming up took us into custody.
 " We were led before a Commissaire, and ordered to keep quiet during the night. The next
 " morning I was commanded to depart from Baden, and I left for Carlsruhe. When there I

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“ made representation to the French Legation, and to the Minister of Foreign Affairs in
 “ Paris, and very speedily received permission to return to Baden. I there learnt that Mr.
 “ Dyce Sombre had received injunctions to abstain from offering me the least insult, on pain
 “ of immediate expulsion from the Grand Duke’s territory; and I also learnt that public
 “ opinion was generally against me in the affair, in consequence of my having been the first
 “ to strike. Indeed, as soon as my anger had subsided, I recognised the wrong I had com-
 “ mitted, and I deeply regret, and shall ever regret, that any provocation, however great,
 “ should have moved me to raise my hand against Mr. Dyce Sombre. Nothing further passed
 “ between me and Mr. Dyce Sombre at Baden. I remained in Germany until the end of
 “ the autumn, and returned to France by way of Cologne and Belgium. I remained in my 10
 “ own carriage when placed on the railway truck, and was seated in it when the train
 “ arrived at Malines. The first person I saw on the platform of the station was Mr. Dyce
 “ Sombre, in company with some disreputable looking person. He at once caught sight of
 “ me, and came up to the carriage, shaking his cane at me, and exclaiming, ‘ Oh ! that’s you
 “ is it; you know I have an account to settle with you, and this time you won’t escape me;’
 “ and thereupon he began to abuse me in the grossest manner. Fortunately the train soon
 “ moved on; but on arriving at Brussels, I found Mr. Dyce Sombre waiting to receive me;
 “ he again abused and threatened me in the same violent manner, employing most disgusting
 “ language. I at once sent one of the train guards for a policeman, and a serjeant quickly
 “ arrived, to whom I made my complaint and requested protection. ‘ Make your mind easy, 20
 “ sir,’ said he, ‘ I know that gentleman, and will soon rid you of his company;’ then, going
 “ up to Mr. Dyce Sombre, he forced him and his companion to get into a fiacre, and ordered
 “ the driver to take them out of the station immediately. ‘ And now, sir,’ said he, addressing
 “ me, ‘ I advise you to keep clear of that fiacre if possible; but if that gentleman should
 “ annoy you again, you had better send at once for the police.’ I now hoped that I had
 “ finished with Mr. Dyce Sombre; judge then of my vexation when on arriving at the Hotel
 “ de France (or Paris), whither I had directed my carriage to be driven, I found Mr. Dyce
 “ Sombre standing before the door of the Hotel, as if to dispute the way. Here the same
 “ scene took place as at the railway station; Mr. Dyce Sombre, as violent as ever, continued
 “ to shake his cane at me, and to apply to me, every abusive term that the English, French, 30
 “ Persian, or Hindustanee language can furnish; in fact he ransacked the vocabularies of the
 “ four languages for filthy and disgraceful epithets. At one time he advanced so near the
 “ carriage window that I thought he meant to strike me in the face with his cane, and losing
 “ all control over myself, I had already put my hand into the pocket of the carriage, where I
 “ had loaded pistols, but my daughter fortunately guessed my intentions, and forcibly withdrew
 “ my hand, and I sincerely thank God that she did so; for I was at the moment so enraged at
 “ the continued persecution and insulting language of Mr. Dyce Sombre, that I verily believe
 “ I should have shot him; as it was, not being able to get a pistol, I took a pocket flask and
 “ raised it as if to throw it at Mr. Dyce Sombre’s head. When he saw this he withdrew a
 “ little way, but continued to pour forth a perfect torrent of abuse of the most obscene and 40
 “ shameless character, and at last, increasing in fury, commenced spitting at the carriage like
 “ a raving maniac; and finally committed an act of the most extravagant and grossest

“indccency. There being no room at that Hotel, I did not get out of my carriage, but
 “drove off to another ; and the first thing I did on descending was to send to the Prefecture
 “of Police, requesting an interview with one of the Chiefs ; I was soon waited on, and
 “on stating my case was promised immediate protection. The next day I was informed that
 “Mr. Dyce Sombre had been communicated with, and given to understand that if he again
 “took the slightest notice of me, he would be immediately conducted over the Belgian
 “frontier. Some weeks then passed without my seeing any more of Mr. Dyce Sombre,
 “until one day, being in my carriage with some ladies, I met him close by my own
 “house in the Rue du Faubourg Honoré, in Paris. He had a very thick stick in
 10 “his hand, which he shook at me, calling out at the same time in his previous manner.
 “Seeing by this that Mr. Dyce Sombre intended to pursue the same system of insult
 “and annoyance towards me, even in Paris, I communicated with the police, and M. Gabriel
 “Delessert, the Prefect, was kind enough to call on me ; he said that he felt very sorry for me
 “on account of the persecution which I experienced from Mr. Dyce Sombre, but that, under
 “the circumstances of the case, he feared he could not do more for me than to reason with
 “and reprimand Mr. Dyce Sombre ; and he remarked, that although Mr. Dyce Sombre had
 “been declared to be insane in England, yet as French protection had been accorded to him
 “and as a faculty of French physicians had pronounced him to be of right mind, consequently
 “the French authorities were bound to consider him in every respect as a sane and reasonable
 20 “person, and to treat him accordingly. After this, Mr. Dyce Sombre again insulted me
 “publicly, to a greater or less extent, on several occasions, and always the more violently if
 “I happened to have any ladies with me. One of the occurrences took place at the Chateau.
 “I had received an invitation to one of the representations given at the private theatre of the
 “Palace during the Carnival, but before accepting it I made a point of inquiring of a gentle-
 “man placed near the King’s person, whether Mr. Dyce Sombre had been invited ; this
 “gentleman assured me that he had not been, and that it was highly improbable that he would
 “be. Feeling satisfied at this, I accordingly went, having with me the lady of one of the
 “King’s aides-de-camp, and the very first person that caught my eye on my entry into the
 “Salle, was Mr. Dyce Sombre. He was standing in full dress very near to the door by which
 30 “I entered, and when he saw me he raised himself on his toes, so as to completely look over
 “one or two persons between him and me, and stared at me in the most insulting way ; how-
 “ever, I passed to my seat without taking any notice. A few days after this Mr. Dyce
 “Sombre again insulted me in the street, shaking his cane at me, and applying to me the usual
 “list of opprobrious epithets. My patience was now utterly exhausted. I resolved to make
 “one more application to the police, and failing in that to employ some decisive means to rid
 “myself of so intolerable a nuisance. I accordingly again requested the interference of the
 “police, telling them that unless they afforded me efficient protection, I could no longer be
 “responsible for what might happen. Upon this the Prefect sent, I believe, for Mr. Dyce
 “Sombre, and told him that if he continued to molest me, or if he hereafter insulted or
 40 “annoyed me, or any respectable person, then that he (the Prefect) would order his person to
 “be seized, and would send him in custody direct to England. M. Delessert sent at the same
 “time two police agents, to stay at my hotel, with instructions to arrest Mr. Dyce Sombre if
 “he ever presented himself there. Since then, Mr. Dyce Sombre has not openly insulted me

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“ but contents himself with slightly shaking his cane, and giving me a threatening look when-
“ ever he sees me. I shall ever most sincerely lament the unfortunate affair at Baden, to
“ which these subsequent troubles may be partly, if not mainly, owing, and I can conscien-
“ tiously affirm, even after all which has passed between us, that I still regard Mr. Dyce
“ Sombre with feelings of pity rather than of anger.” And I say that the said narrative
contains a full, true, and correct account and particulars of the statement so made by the
said General Ventura to me, as aforesaid, and the same is almost in the same words, and to
the purport and effect as related to me by the said General Ventura.

JOHN WARWICK.

Signed and sworn before me, at Frankfort-on-Maine, the 18th day of November, in 10
the year of our Lord 1846,

CHRISTIAN KOCH,

H. B. Majesty's Consul to the Free City of Frankfort.

AFFIDAVIT OF THE HONOURABLE MARY ANNE DYCE SOMBRE.

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.
Sworn
29 July 1846.

I THE Honourable MARY ANNE DYCE SOMBRE, the Wife of the abovenamed David Ochter-
lony Dyce Sombre, now residing at the Clarendon Hotel, Bond-street, in the county of
Middlesex, make oath and say that—

* * * * *

And I say that in or about the month of September, last year, I received a letter from
said Mr. Clarke, in the handwriting of my husband, addressed to said Mr. Prinsep; and said 20
Mr. Clarke communicated to me that he had shown it to the late Lord Chancellor, and by
his Lordship's desire he had informed said Mr. Prinsep that the letter was of such a character
that he, the Lord Chancellor, must in future refer said Mr. Prinsep to the Committees of the
person. And I say that I am not acquainted with said Mr. Prinsep. And I say that part
of the letter of the said David Ochterlony Dyce Sombre is in the words and figures following,
that is to say: “ As to the challenge which you say the Lord Chancellor had shown you,
“ which I had sent in March last, must have been the one I sent from St. Petersburg, to the
“ Honourable Mr. C. Forester; he is the person now fixed upon by everybody to be the one
“ who has been the cause of all this disturbance; for while at St. Petersburg, Comte
“ Nesselrode, who had just returned from London, confirmed the report which I had 30
“ heard in Paris respecting him, and of which he himself had the blackguardism of speaking
“ to me about in the presence of Captain Troup, while I was in London; but as at that time
“ I suspected Sir Frederick Bathurst, I paid very little attention to what he said. If such is
“ the case, of which I have not the least doubt left on my mind now, I suppose you must, as
“ a man of honour, uphold me in doing what I did, knowing my habits and my sentiments
“ and customs in general upon that head.” And I say that in consequence of the retired
life I have for some time led, I have not seen the said Mr. Forester to speak to for five years

and upwards; and I am informed and believe that the said Mr. Forester sent the challenge he received from my Husband to the late Lord Chancellor. And I further say that I am informed and believe that no conversation relating to me, as named in the letter of the said David Ochterlony Dyce Sombre to said Mr. Prinsep, did take place between the said David Ochterlony Dyce Sombre and the said Mr. Forester and Captain Troup; and that the said Captain Troup is not acquainted with either said Mr. Forester or Count Nesselrode.

Affidavit of
the Hon.
Mary Anne
Dyce Sombre.

M. A. DYCE SOMBRE.

Sworn at my house, in John-street, Berkeley-square, in the parish of Saint George, Hanover-square, in the county of Middlesex, this 29th day of July 1846, before me,

J. W. FARRER.

10

AFFIDAVIT OF JOHN ROSE TROUP, ESQ.

I, JOHN ROSE TROUP, of No. 11, Bernard-street, Russell-square, in the county of Middlesex, Esquire, formerly in the Honourable East India Company's service, make oath and say that I am the husband of one of the sisters of the said David Ochterlony Dyce Sombre; and I, this deponent, say that I have read the affidavit of the said Mary Anne Dyce Sombre, sworn in this matter the 29th day of July 1846, so far as relates to the letter therein mentioned, addressed by the said David Ochterlony Dyce Sombre to Mr. Prinsep, in the words following, viz. "As to the challenge which you say the Lord Chancellor had shown you, which I had sent in March last, must have been the one I sent from St. Petersburg to the Honourable Mr. C. Forester; he is the person now fixed upon by everybody to be the one who has been the cause of all this disturbance, for while at St. Petersburg, Comte Nesselrode, who had just returned from London, confirmed the report which I had heard in Paris respecting him, and of which he himself had the blackguardism of speaking to me about, in the presence of Captain Troup, while I was in London; but as at that time I suspected Sir Frederick Bathurst, I paid very little attention to what he said; if such is the case, of which I have not the least doubt left on my mind now, I suppose you must, as a man of honour, uphold me in doing what I did, knowing my habits and my sentiments, and customs in general upon that head." And I, this deponent, say, that to the best of my knowledge and belief, I was never in the company of the Honourable Cecil Forester, or the said Count Nesselrode, and that no such statement as that referred to in the said letter was ever made in my presence by the said Honourable Cecil Forester.

Affidavit of
John Rose
Troup.
Sworn
5 Aug. 1846.

JOHN ROSE TROUP.

Sworn at the Public Office, Southampton-buildings, in the county of Middlesex, this 5th day of August 1846, before me,

S. DUCKWORTH.

AFFIDAVIT OF MR. BARTLE J. L. FRERE.

Affidavit
of Mr. Bartle
J. L. Frere.
Sworn
25 June 1844.

BARTLE JOHN LAURIE FRERE, of Lincoln's Inn, in the county of Middlesex, Gentleman, maketh oath and saith, that in or about the year 1840, he, this deponent, was introduced by the Right Honourable Stapleton Viscount Combermere to the said David Ochterlony Dyce Sombre; and he, this deponent and his co-partners in business, continued to act on most occasions as the solicitors to the said David Ochterlony Dyce Sombre, up to the 30th of March 1843, when he was put under restraint, as hereinafter mentioned. And this deponent saith that in the early part of his intercourse with the said David Ochterlony Dyce Sombre, he found him intelligent and reasonable, easily comprehending explanations which this deponent made to him on matters of business, and giving directions very much to the purpose. And 10 this deponent saith that, according to the best of his recollection and belief, the first intimation he had of any unsoundness of mind in the said Lunatic was in a letter which he, this deponent, received from the said David Ochterlony Dyce Sombre, on or about the 1st day of November 1842, enclosing one addressed to a certain General Ventura, who was, as this deponent has been informed and believes, an intimate friend of the said Lunatic, and directing this deponent to forward the said enclosed letter by a special messenger to Paris, Alexandria, and India, on account of its great importance, so as to catch General Ventura en route; and this deponent at the same time received a note from Mary Anne Dyce Sombre, the Wife of the said Lunatic, warning this deponent that the said letter of the said Lunatic was written under the influence of disease, but recommending that it should be forwarded. And this 20 deponent saith that he forwarded the said letter, in such a manner as would probably ensure its reaching General Ventura, without the expense of a special messenger. And this deponent saith that it appeared by a subsequent letter which the said David Ochterlony Dyce Sombre, in the month of March following, delivered to this deponent, to be forwarded to the said General Ventura, that the first letter contained a challenge; but such lastmentioned letter was not forwarded, under the circumstances hereinafter mentioned.

* * * * *

BARTLE J. L. FRERE.

Sworn at the Public Office, in Southampton-buildings, Chancery-lane, London, this 25th day of June 1844, before me,

W. RUSSELL.

SECOND REPORT OF DR. SOUTHEY AND DR. BRIGHT.

My Lord,

London, 26 September 1846.

WE beg leave to report to your Lordship the result of our examinations of Mr. Dyce Sombre on the 21st, 22d, 23d, and 24th of this month.

Second
Report of
Dr. Southey
and
Dr. Bright.
26 Sept. 1846.

During our first interview he manifested little reserve, and entered readily into the history of his travels in Russia, Belgium, and France, after his escape from England in 1844. He spoke of his indisposition whilst at St. Petersburg, and stated that he had called in Dr. Handyside, a physician in that city; but nothing fell from him to evince his belief that the illness under which he laboured there had proceeded from deleterious ingredients put into his food. He said that there "were causes enough" when he was in 10 England for his bad health, which arose entirely from the treatment he received from his Wife and her family, and from the teasing examinations he underwent; "such treatment was enough to upset any mind, and he only wondered that his Wife's misconduct did not make him worse." He was quite well, he said, after his arrival at St. Petersburg, and "he has been well ever since." He has now thrown the whole matter out of his mind, "and (to use his own expression) wonders how he put his foot in it." But it is quite impossible that he can live again with his Wife. "She deceived him; and the commission which was taken out by her could not proceed from any good intention on her part." "She was ruining his health by her misconduct." He then, with some abruptness, said, "but it seems now to be 20 another man." "Both she and Mr. Cecil Forester tried to persuade him that it was Sir Frederick Bathurst." He afterwards said that Mr. C. Forester "gave him to understand that he, Mr. C. F., had connexion with Mrs. D. Sombre." "The Lord Chancellor (Lord Lyndhurst) supported Mr. C. Forester, so that if he had taken any steps against Mr. C. F., they would have been of no use." He suspected that General Ventura had followed him on the very night he escorted his Wife to Stafford, and proceeded for improper purposes to the house of Lord St. Vincent, with his Lordship's knowledge and sanction. Mr. Dyce Sombre afterwards challenged both Mr. C. Forester and General Ventura. Lord Marcus Hill "made him believe that he himself and others had illicit connexion with Mrs. Dyce Sombre." When pressed to say whether he still believed that Mrs. D. S. had been guilty 30 with her own Father; after some hesitation, and with an arch expression of countenance, he replied, "I shall say No to that question." The peculiar look and manner with which that answer was conveyed, impressed us with a persuasion that his words were at some variance with his thoughts. With this exception, during the whole of our first interview, Mr. D. Sombre did not attempt to conceal his opinion of his Wife's guilt. Our interview on the following day was of a different character. Mr. D. Sombre took an early occasion, somewhat abruptly, to say, "that his notions of Mrs. D. Sombre's infidelity were all

Second
Report of
Dr. Southey
and
Dr. Bright.

delusions, and that he must say that she is as virtuous and chaste a woman as ever lived." We are unwilling to lay much stress upon mere manner; but certainly there was something ironical in the tone in which these words were uttered, and Mr. D. S. seemed glad to have disburthened himself of a disagreeable task. During same visit he continued to talk of Mr. C. Forester and General Ventura as persons who had deeply injured him. On the third examination, he confirmed in most respects General Ventura's narrative; but he stated that the General struck him at Baden Baden without previous provocation at that time, and that instead of exposing his person to General Ventura's Daughter, he himself was desired by General V., in the Hindostanee language, well understood by the young lady, "to expose his person to her." He told us that Sir Frederick Batlurst "had given him 10 to understand" that he had intrigued with Mrs. D. S.; but "he does not now believe that Sir F. B. told him the truth, but that the Hon. Cecil Forester was the man." He added, that "Count Nesselrode had told him that every body talked of Mrs. D. Sombre's connexion with Mr. C. Forester." At our last interview we thought it right to suggest to Mr. D. S. that, convinced, as, on a former occasion, he alleged himself to be that his suspicions of his Wife's infidelity were all delusions, it became his duty to express to Mrs. D. S. his deep regret that he had so seriously aspersed her character, to which he warmly replied, "How can I do so when she has often said in the presence of her Father and Lord Marcus Hill that she was the greatest Bitch in England."

We do not think it necessary to dilate on the obvious contradictions which every inter- 20 view disclosed. Although Mr. D. Sombre may for a certain period suppress the latent delusion, yet, when engaged in earnest conversation, its permanent possession of his mind betrays itself in spite of his efforts to conceal it. He is, however, much better on the whole than when he was last in England. Some of the delusions under which he then laboured are no longer to be detected; such as his intercourse with Spirits, and his belief that his food had been mixed with poison. His manner is mild and gentlemanly, and he is more rarely excited. Nevertheless, we are still convinced that his mind still continues to be impressed with the notion of his Wife's infidelity; and although, for a time, he has sufficient self-control to deny the existence of this delusion, he soon recurs to it and reasons and acts upon that same delusion. There is, indeed, sufficient improvement to warrant 30 the hope of his ultimate recovery; but he is still of unsound mind, and, in our opinion, it would be unsafe to himself and others to withdraw from him the protection of the Court of Chancery. He seems perfectly to understand the nature and extent of his property; and having been long accustomed to a large expenditure, he feels the inconvenience of an income comparatively contracted; which income, according to his statement, is not regularly paid. As it is desirable, with a view to his ultimate recovery, that all causes of irritation should be as much as possible avoided, perhaps his allowance might be enlarged with advantage, and the payments made with greater punctuality; any small debts which he may have incurred should also be discharged.

In forming an opinion in this case, we have had occasion to refer to the testimony of 40 various medical men in this country, and also on the Continent, in favour of the sanity

of Mr. Dyce Sombre, and we are disposed to attribute the different conclusions at which we reluctantly arrive, to the circumstance of their being ill furnished with the facts and early history of the case.

Second
Report of
Dr. Southey,
and
Dr. Bright.

We have the honour to be,

My Lord,

Your Lordship's faithful Servants,

To the Lord High Chancellor,
&c. &c. &c.

H. H. SOUTHEY.
J. BRIGHT.

AFFIDAVIT OF JOHN ROSE TROUP, ESQ.

10 I, JOHN ROSE TROUP, of No. 11, Bernard-street, Russell-square, in the county of Middlesex, Esq., make oath and say, that I, this deponent, did, on the 9th day of December instant, receive the letter or packet now produced and shown to me at this the time of swearing my affidavit marked (A.), by the post, bearing the post-mark of Paris, in the kingdom of France. I, this deponent, am perfectly well acquainted with the character and handwriting of the said David Ochterlony Dyce Sombre, and the address of the said letter or packet, and the words inside the cover of the said letter or packet, "His Majesty Charles," are in the handwriting of the said David Ochterlony Dyce Sombre. And I say the letter or packet contained three printed memoirs, respectively printed in the English, French, and Italian languages, and marked respectively (B.), (C.), (D.), now produced and shown to me at the time of swearing this my
20 affidavit. And I, this deponent, believe that the said three printed memoirs are to the same purport and effect, being printed respectively and separately in the English, French and Italian languages. And I, this deponent, further say, that from the purport and effect and style of composition of the said English memoir marked (B.), and the manner in which the same is written, and its contents, I verily believe the said memoir was printed for the said David Ochterlony Dyce Sombre from a manuscript written by him or at his dictation. And I, this deponent, further say, that I have been long intimately acquainted with the said Peter Paul Marie Baron Solaroli, and with the David Ochterlony Dyce Sombre, having entered into a matrimonial engagement with the Sister of David Ochterlony Dyce Sombre, and the Sister of the Baroness Solaroli. And the said printed memoir marked (B.) contains false
30 allegations against the private and public character of my Brother-in-law Peter Paul Marie Baron Solaroli and his Wife, who are now in Italy, and that these charges extend over the whole life of the said Peter Paul Marie Baron Solaroli. And I say that these charges are some of them in themselves so extravagant and incredible, and so totally at variance with anything that ever did happen, or was likely to have happened, as regards the said Peter Paul Marie Baron Solaroli, that they can only be attributed to the aberrations and delusions of insanity; as, for instance, that Peter Paul Marie Solaroli killed his own Father, and was a cook in Paris, and was a servant to the Marquis of Hertford. And these extraordinary assertions confirm my opinion

Affidavit of
J. R. Troup,
Esq.
Sworn,
11th Dec.
1846.

Affidavit of
J. R. Troup,
Esq.

that the memoir is the work of Mr. Dyce Sombre, inasmuch as I have heard from other quarters that he has verbally made similar absurd assertions with regard to Baron Solaroli; and in a note I received from Mr. Dyce Sombre he referred to Baron Solaroli by the name of "that damned Italian Cook." The said memoir (B.) contains in itself, among other allegations, certain allegations that, without being incredible, are still entirely false; for instance, it is averred in the said memoir that the Baroness Solaroli is not the lawful, but the illegitimate, daughter of the late George Alexander David Dyce, whereas the said David Ochterlony Dyce Sombre and Baroness Solaroli were, with deponent's Wife, the children of the same parents, of whom the said David Ochterlony Dyce Sombre is the eldest, and it is proved that the parents were legally married according to the rites of the Roman Catholic Church at 10 Sirdhana, on the 5th day of October 1806, and that the Baroness was married to Baron Solaroli as the legitimate Daughter of George Alexander Dyce Sombre, with the sanction and consent of her Brother, the said David Ochterlony Dyce Sombre, and the Begum Somrow, who brought the said Baroness up from tender age, and also that the Begum did not notice him in her Will, whereas the Begum gave Baron Solaroli's Wife 80,000 rupees, and this deponent's Wife 50,000 rupees. And I, this deponent, further say, that after the death of the Begum in 1836, the said David Ochterlony Dyce Sombre particularly requested the said Peter Paul Marie Solaroli to undertake the management and care of his affairs in India, and they were on very good terms. And about the 1st February 1843 the said Peter Paul Marie Solaroli left India to return to this country, and on his arrival found Mr. David Ochterlony Dyce Sombre was 20 confined as insane, but previous to his return, and since, he has always acted for the interest and benefit of the said David Ochterlony Dyce Sombre, but for two or three years previous to his leaving India, and since that time, the said David Ochterlony Dyce Sombre was possessed of various delusions respecting him, and the said David Ochterlony Dyce Sombre was under the impression that he, the said Peter Paul Marie Solaroli, wanted to get something from him, and wanted to be his heir, whereas the said Peter Paul Marie Solaroli had no such wish or did anything to create such thoughts, and abstained as much as possible from interfering in the said Commission against the said David Ochterlony Dyce Sombre now in progress; and the prejudices that David Ochterlony Dyce Sombre had adopted against Peter Paul Solaroli can only proceed from a deranged state of intellect, having no foundation except in 30 imagination.

J. ROSE TROUP.

Sworn at the Public Office, Southampton Buildings, in the county of Middlesex,
this 11th day of December 1846,

Before me,

G. WILSON.

(B.)

Copy Exhibit (B.), mentioned and referred to in the Affidavit of John Rose Troup, Esq.

Memoir.

IN the year 1831, a person calling himself Peter Paul Murray Solaroli, an Italian, came with the intention of marrying a Daughter of another Italian, in Her late Highness the Begum Sombre's service, in the upper provinces of India. The Father of the girl making interest for him, got him the promise of a place in the said Begum's service; but, soon after, not being satisfied with his conduct, gave him a refusal as to the marriage. The mother of the girl begged for his being taken in the service again, who having some interest, was
 10 granted. He then gave out that he was the son of a renowned general under Napoleon, General Leclerc, and, having become possessed of a small estate from a relation, had changed his name, and he himself had served under an English general in the late Spanish insurrections. He went so far as to bribe the said Begum's late physician, who corroborated his statements, so far as names, dates, and events went, and through this physician making his interest with other English visitors, he gained his object so far as to be allowed a seat at Her Highness's table; and having given out such names as the French Marechals of the Emperor as his Father's and his own associates, he was appointed to do duty with her Highness's guards; but he showed such ignorance of military duties that he was selected for another appointment. The police regulations of the Begum's territories (for the Begum
 20 exercised regal power within her own dominions) about that time being remodelled, he was put over the chief district as head superintendent. He showed activity and some ability in this department, and having gained more interest, he was married to a natural daughter of Colonel Dyce (who had asserted this himself), and who had formerly been in the Begum's service, and who had expectations of 8,000 £. at a future period. This marriage gave him some influence at the Begum's court, for his Wife was a natural or an illegitimate connexion of the Begum's late Husband. He soon after, upon the strength of his marriage, began to take bribes in settling disputes of an ordinary nature, which was his duty to do. And he showed the meanness of his birth and education by having a robber flogged in his presence until he actually, from pain, had his excrements brought out from his body, and for which
 30 purpose his breeches had been taken off from him before he was flogged. Such a specimen he gave of his civilized ideas that his appointment was soon after given to another person.

Thus, Signor Solaroli was in a manner disgraced and put out of employ, but the public rumour stated that he had well filled his pockets in the meantime; and to show the meanness of his spirit while he was in office, his boy's wet nurse received her salary as a convict employed in hard labour for punishment; and the provisions for his table were supplied, as far as the country produce went, from the purchases made for her Highness's household, the markets being under the superintendence of the police.

Copy Exhibit
(B.)

Copy Exhibit
(B.)

He behaved in the most rascally manner to the person whose Daughter he had come to marry ; for, while exercising the police authority, he, upon a trifling cause, had the head of a maid servant of the former's establishment shaved in his own presence, had her ridden on an ass, and sentenced to a long imprisonment, which, however, was remitted some time after, when it was brought to the notice of higher authorities.

In 1836 the Begum died, and left almost all her property to a connexion of hers, who had most part of this property sold by auctioneers. Signor Solaroli showed dexterity of a different nature in this affair, for on this occasion he bribed the servants, got some property stolen ; and such other things as he could not easily take he broke the sets thereof, taking a part of them only, and when the sets were put up for sale they were naturally sold cheap, 10 and bought in by Signor Solaroli himself. One instance was notorious, for he carried away a volume of Encyclopedia, of great value, at night ; and when these works were put up for sale, he bought them himself at one-eighth of their value. He then received charge of the remaining affairs from the heir of the Begum, who was coming to Europe ; he robbed him of a quantity of wheat which had been stored by the late Begum for the use of her establishment, to the extent that it must have been enough for him and his family for three years.

He also robbed him of the part of the armoury that was put up for sale, of which he has carried away a large quantity, and has brought it to Europe with him.

He sold a market for the heir of the Begum, in the district of Agra, for 3,000 rupees, and 20 paid only 1,800.

He played the same kind of tricks at the sale of a great quantity of goods of all kinds, held at Delhi, for native articles. He bought a house, which he got knocked down by bribing the auctioneers, with whom he had been acquainted, before he came to the Begum's service.

It is said he is a Piedmontese, and his original name is Jean Lacaroli, and was obliged to quit the territories on account of his having joined with certain political parties who were against the Government of the country ; others say, and which appears to be more correct, that he shot his own Father on the bridge at Milan, but contrived to save himself, from being in the service of a foreign embassy, and so made his escape into Paris, where he acted 30 for some time as a common cook at one of the restaurants of that city ; but this is certain, of which there are witnesses, and who have served the same master in different capacities, who were his associates, that he was a footman to the late Marquis of Hertford, of whom he has boasted, that he had such confidence in him, that he used to rob his Lordship's provisions and money, and used to insinuate to his master that his valet must have been the robber, who in return did not suspect him, but patronized and indulged him in his recreations.

In the beginning of the year 1837 he went down to Calcutta on business for his patron, the Begum's heir, and there actually saw his Wife's Father die, before he would give him the annuity which the Begum's heir had settled upon him, and which was to be paid through him, for he would not make a will in favour of Signor Solaroli's Wife, which he wished him 40 to do, and so the poor old man died from broken heart more than anything else.

This very Signor Solaroli had the impudence to write to the King of Sardinia, stating

that he was employed under the said Begum, and had a high military command, and a high civil office, and sent the drawing of a church, built by another Italian, his first intended Father-in-law, of which he said he was the architect, and had drawn the sketch himself, by which means he was made a Colonel in the King of Sardinia's service, in the corps of Engineers, while the facts are, that he is almost illiterate. As to the drawing, he does not even know how to hold a pencil, but he has been cunning enough to learn something about mining under the English sappers and miners quartered at Delhi, for which purpose he gave the Officers the loan of one of his employer's houses for their mess. He has been made a Baron by the same Sovereign by representing that his Wife was related to the Begum, 10 which was not the case; the Begum never had a family of her own; he never had military charge under her more than his doing duty with her foot guards for a few months, where he showed no capacity, and no more civil, excepting as supervisor or an overseer of the new police and receiver of revenues of one of her districts, where he robbed and oppressed the people so much that he was replaced soon after. Now he has taken up his residence, with his ill-begotten wealth, at or near Milan; and is trying his best endeavours to prove that his Wife's family is insane; and consequently his children are heirs to all that they possess. Sometimes he says that his Wife's eldest Sister is no relation of his Wife's; but this he was obliged to disavow at the British embassy two or three years ago, where there were witnesses to prove the falsehood. Her late Highness the Begum were so disgusted with his conduct 20 that in her will, where she remembered all her officers and even domestics, she did not so much as mention his name. The reason why a Brother-in-law of his is not mentioned in her will is, that he received a large compensation in lieu of it in her lifetime.

F I N I S.

LETTER FROM MR. DYCE SOMBRE TO THE LORD CHANCELLOR.

My Lord,

Paris, 9 March 1847.

My health suffers from remaining in Paris, and I cannot leave it for Spain, where I wish to go, on account of your Lordship not having given your judgment on my case yet, otherwise I would not be intruding on your Lordship's valuable time; but the facts are, my Lord, that I am so unfortunately situated, from my property being all taken away from me, under 30 the plea of madness, and my circumstances reduced to £. 60 a week, that I am even unable to pay my law expenses, otherwise Mr. Shadwell would not have been my man out of choice; for those that pretend to have claims on my property have said, or at least one of them has said, "That if I employed Mr. Shadwell, that they will ask from me nothing further." This was said in the presence of Sir James Clarke and others, and therefore it

Letter from
Mr. Dyce
Sombre to the
Lord
Chancellor.

Letter from
Mr. Dyce
Sombre to the
Lord
Chancellor.

cannot be denied now ; and your Lordship, from your superior experience, must know what that meant, for it must be recollected, my Lord, that Mr. Shadwell has been employed by Mr. Mahon, who had taken up my affairs in his hands on speculation ; and since affidavits have been filed, and Mr. Mahon has himself declared that he did strike a blow at me, I have no hesitation in declaring that myself, that he not only struck me the blow, but while partaking my hospitality at Boulogne, had declared that "Troup" (who must be recollected, is one of those who claims the property, in his Wife's name) "offers me £. 50 for giving you a blow ; but I will do it for nothing." Was that a gentlemanlike language, my Lord ? and if I had taken it as an offence, would not there have been an affidavit filed against me as being mad ? and I would not even been heard, and my own solicitor would have laughed at my 10 face, which he has actually done, only in another case ; for while at Dover, waiting the examination of medical men, Mr. Shadwell came and told me to my face that Mr. Troup pays him to keep back my property being given to me. Who am I to trust to, my Lord ? for it must be remembered that her late Highness, the Begum, who left me her property, had satisfied all worldly demands in giving handsome legacies to those she thought had some right to expect ; for she herself had no family ; and when, at her death, I came into possession of the remainder, as a residuary legatee, I gave £. 20,000 to each of my Sisters, although they were married, in spite of the contrary advice of my friends, who knew that they would have paid even to get me confined, either as a madman or a political offender ; but fortunately, I was known to the authorities in India, who had known me from my earliest infancy, 20 and this could not be so easily accomplished. I consider, my Lord, that I am at liberty to dispose of my property as I like ; they, I mean the present pretenders, cannot claim it in any way ; for in the Begum's will, which acknowledged me as her adopted son, acknowledges another person also in the same light, whose name was John Thomas ; he himself is dead now, but he has left legitimate heirs. I would not have entered into all these details, but, my Lord, I am debarred from being rightly represented before your Lordship, and your Lordship cannot judge without knowing all truths.

I have the honour to remain,

My Lord,

Your Lordship's very obedient Servant,

30

D. O. DYCE SOMBRE.

The Right Honourable Lord Cottenham,

&c. &c. &c.

P. S.—I have weak eyes, and your Lordship must pardon the mistakes I have filled up after the letter had been finished.

THIRD REPORT OF DR. SOUTHEY AND DR. BRIGHT.

My Lord,

5 August 1847.

Third
Report of
Dr. Southey
and
Dr. Bright.

In obedience to your Lordship's order, we visited Mr. Dyce Sombre at Brighton.

If on our last examination of this gentleman we found it difficult to make a satisfactory report, on the present occasion our difficulties are not diminished. We then stated that we found Mr. Dyce Sombre's mental condition much improved, and he has since that period acquired much more self control.

In our first interview at Brighton, we examined him on the various affidavits filed in proof of the continuance of his malady, as well as on the letter addressed by him privately to your
10 Lordship, bearing date March 9th.

To some of the allegations contained in these affidavits, he gave a positive denial; and others he endeavoured to explain away.

He admitted substantially the whole of the statement made by the Baron Solaroli, and asserted positively that the Baroness, his reputed Sister, was not born in wedlock, although believing her to be so at the time when he obtained possession of his property, he had given her 20,000 *l.*; the fact of her illegitimacy, he said, was communicated to him by the late Lord Metcalfe, and was afterwards confirmed by Mr. Prinsep. We regret that we have no means of ascertaining this question of fact, as, if unfounded, it would throw more light upon the state of Mr. D. Sombre's mind.

20 He afterwards told us that Messrs. Vizard & Leman, his former solicitors, had betrayed his cause; and that Mr. Shadwell, his present solicitor, had been bribed by Captain Troup to defeat, by all the means in his power, his present application to the Court. Such groundless aspersions on the characters of gentlemen of unquestionable integrity and honour, appear to us to be marks of the same mental disorder which led him to suspect the fidelity of his Wife.

In reference to the extraordinary letter addressed privately to your Lordship, he asserted that Mr. Mahon had tried to provoke him, and had told him that Captain Troup had offered him (Mr. Mahon) the sum of 50 *l.* if he would knock his eye out, and that Mr. Mahon had said in reply, that he would do it for nothing, and had accordingly struck him with such violence, that one of his eyes was swollen and discoloured for some days afterwards.

30 When he was asked what was his object in writing to your Lordship on such a subject, he stated that his wish was to obtain from the Court such a sum of money as would take him out of Mr. Mahon's hands, and enable him to change his solicitor.

Our inquiries at our next interview, were directed to the subject of property; and he seemed to us to have very clear and distinct notions of the nature and extent of his own property, as well as the value of money in general.

He stated spontaneously, that in September last, immediately after our visit to Dover, on thinking over the subjects of our conversation with him, he became convinced that he had, until that moment, laboured under delusions respecting his Wife's infidelity, and that he had abandoned such notions from that time, and had, moreover, in the month of May
40 last, signed a document, the purport of which was to exonerate her from all suspicion.

Third
Report of
Dr. Southey
and
Dr. Bright.

When pressed by us, he maintained that the present statement was not made at the suggestion or dictation of any professional or other adviser, but proceeded entirely from his own conviction; still he would not allow that he entertains any affection for his Wife, although he admires her beauty and accomplishments.

He declared that he could not live with her again, assigning as a reason the incompatibility of their tempers. Being urged to express to her by letter the regret which he must naturally feel of having, by his unfounded accusations, deeply wounded the feelings of an amiable and innocent Wife, he said he could not do so without consulting his lawyers, adding, that if he were to act on the impulse of his own heart, he should never obtain his freedom from the Court of Chancery. It is difficult to believe in the entire removal of the delusion in question, whilst any feeling hostile to Mrs. D. Sombre seems to subsist; and it appears natural to expect that some expression of sorrow should have been tendered towards those individuals, whom he has accused of improper intimacy with his said Wife, during the many months that have elapsed since his alleged recovery.

It is very satisfactory to us that Mr. D. Sombre has admitted that he laboured under delusions up to the time when we parted with him at Dover, thus proving the correctness of the opinion we formed of the then state of his mind, and at the same time removing the weight of the foreign and other medical opinions in his favour up to that period.

In conclusion, we are bound to admit that we were unable to elicit any positive delusions under which Mr. D. Sombre labours, though at the same time we regret to add that we feel no confidence that he is entirely free from such delusions. When we consider the length of time during which his malady has continued, and the self command by which he has been enabled to deceive so many physicians, both Foreign and English, we cannot but hesitate in giving credence to his own statements, nor because he tells us that in September last he became satisfied of the injustice of his notions respecting his Wife, can we therefore conclude that he is now perfectly sane.

So far as respects the management of property, we entertain no doubt of his competency to take care of it; and we think that if he were entrusted with the surplus of his unappropriated income, one great cause of uneasiness would be removed, for there seems no doubt that much painful feeling has rankled in Mr. D. Sombre's mind from the reduction of his allowance to an amount so much below the rate of expenditure at which he formerly lived.

We are of opinion that the tranquillising influence of foreign travel, on which his mind seems now bent, might operate on his health; and we think the continuance of that source of irritation to which we have just adverted, must tend to retard a recovery towards which he seems already to have made some advance, although we are not enabled as yet to announce his perfect restoration to sanity.

We have the honour to be,

My Lord,

Your Lordship's very humble and obedient Servants,

J. BRIGHT.

H. H. SOUTHEY.

JOINT AFFIDAVIT OF PETER PAUL MARIE BARON SOLAROLI,
AND JOHN ROSE TROUP, ESQ.

PETER PAUL MARIE BARON SOLAROLI, of Pallouza, Lago Maggiore, in the Kingdom of Piedmont, and John Rose Troup, Esq., of the same place, severally make oath and say, that the statement, that David Ochterlony Dyce Sombre admitted to be true, of this deponent, in his examination before Drs. Bright and Southey, must mean the statement by this deponent's counsel in Paris, on the occasion of his prosecuting the printer of the Three Memoirs set forth in this matter, for a libel, when he was found guilty, and admitted that David Ochterlony Dyce Sombre was the author. And the only excuse that this deponent
 10 can make for or on account of David Ochterlony Dyce Sombre's publishing such unfounded calumnies against him, or putting him to so great an expense to clear his character, is that the said David Ochterlony Dyce Sombre did it while under a mental disease, and it is singular that the said David Ochterlony Dyce Sombre, having now admitted the falsity of such assertions, and knowing the great expense he has put this deponent to, should not have volunteered to pay all expenses, and do him all the justice in his power, instead of making further unfounded assertions. And this deponent further saith, that the Father and Mother of the said David Ochterlony Dyce Sombre, then called only David Ochterlony Dyce, were married at Sirdhanah, and a certificate has been obtained from India by the said David Ochterlony Dyce Sombre, and is in the possession of Mr. H. D. Haverfield, solicitor,
 20 No. 29, Bloomsbury-street, Bloomsbury-square, London. The said David Ochterlony Dyce Sombre was born in 1809; and Ann May, now the Wife of John Rose Troup, was born in 1812, and Georgiana, this deponent's Wife, was born in 1815. The said Mrs. Dyce died in the year 1821, and the said George Alexander David Dyce died the 6th of April 1838. A certificate has been obtained from the register of Ann May's birth, but owing to the imperfect way in which the registers were kept, or perhaps they are lost, or she may have been baptised in some other church than Sirdhanah, the certificate of the birth of the said Georgiana, this deponent's Wife, has not been found, but the oldest inhabitants have been applied to, and a declaration of individuals who knew the Father in India, and were present at his marriage, testifying that she is the legitimate Daughter of the said Alexander David
 30 Dyce aforesaid, and was always considered and treated as such by Her Highness the late Begum, and the said David Ochterlony Dyce Sombre, and her Sister Ann May, and the inhabitants of Sirdhanah aforesaid. And this deponent further saith, that it was only lately, at Paris, he ever heard the legitimacy of his Wife questioned by David Ochterlony Dyce Sombre, and which can only have arisen from the state of the said David Ochterlony Dyce Sombre's mind, and that the said David Ochterlony Dyce Sombre admitted she was his lawful Sister, and he shared with her and her Sister Ann May, now the Wife of John Rose

Joint
Affidavit
of Peter Paul
Marie Baron
Solaroli,
and John
Rose Troup,
Esq.
Sworn,
7 Sept. 1847.

Joint
Affidavit
of Peter Paul
Marie Baron
Solaroli,
and John
Rose Troup,
Esq.

Troup, the estate and effects of the said George David Alexander Dyce, his Father, who died intestate, of cholera morbus, on the 6th day of April 1838, as aforesaid. And this deponent further saith, that the said David Ochterlony David Dyce, did, in the month of January 1838, execute a deed of settlement, giving Georgiana, this deponent's Wife, the sum of ten thousand pounds (10,000 £.) and which is worded as follows:—"Is desirous, in consideration of the natural affection he beareth his lawful Sister Georgiana Solaroli, &c." And this deponent further saith, that he does not believe that David Ochterlony Dyce Sombre ever had any such communication from the late Right Honourable Lord Metcalfe, as he alluded to in his examination before Drs. Bright and Southey. And deponent further saith, that no such person as a Mr. Prinsep was ever known to Georgiana Solaroli or her Family; and deponent firmly 10 believes the whole and every part of such assertions to have their sole origin in David Ochterlony Dyce Sombre's present state of mind. And the said John Rose Troup for himself, maketh oath and saith, that he never offered any money or bribe to Mr. Shadwell, or ever saw or had any communication, directly or indirectly, with that gentleman on any subject whatever, or did he ever offer any money to Mr. Mahon, or request him to knock David Ochterlony Dyce Sombre's eye out, or do him any injury whatever. And this deponent further saith, that Georgiana, now the Wife of Peter Paul Marie Baron Solaroli, is the youngest and only Sister of his Wife Ann May; and that the said Georgiana is the legitimate Daughter of George Alexander David Dyce by his lawful Wife, having been told so by the said George Alexander David Dyce, and that she was born after David Ochterlony 20 Dyce Sombre, and by him always considered and treated as his Sister; but this deponent has been informed that the register of baptism of Georgiana is lost or mislaid, but the said Georgiana was always acknowledged as the Daughter of George Alexander David Dyce, and Sister of David Ochterlony Dyce Sombre, and so designated in the Will of Her Highness the late Begum, from whom the said David Ochterlony Dyce Sombre had his property; and the said Georgiana was married to Peter Paul Marie Baron Solaroli on the 3d of October 1831, at the same time this deponent was married to his Wife Ann May, as the legitimate Daughter of George Alexander David Dyce, in the presence of, and with the full consent of the said David Ochterlony Dyce Sombre and Her Highness the late Begum.

J. ROSE TROUP. 30
P. SOLAROLI.

Sworn before me, this 7th day of September 1847,

ROBERT CAMPBELL,
British Vice Consul at Milan.

JOINT AFFIDAVIT OF JOHN ROSE TROUP, ESQ., AND
THOMAS DREVER, M.D.

WE, JOHN ROSE TROUP, of 11, Bernard-street, Russell-square, in the county of Middlesex, late in the Honourable East India Company's Service, Esquire, and Thomas Drever, of Argyle-street, in the said county of Middlesex, retired Surgeon of the Bengal Medical Establishment, severally make oath and say

Joint
Affidavit of
J. R. Troup
and
Thos. Drever.
Sworn,
28 July 1848.

* * * * *

I the said Thomas Drever for myself make oath and say, that I was the physician of Her Highness the Begum for several years before her death, and the said David Ochterlony Dyce Sombre was then residing with her ; and having known Mr. David Ochterlony Dyce Sombre since the year 1830, and being in daily communication for the four years (1832 to 1836) that I was in the service of the late Begum Sumroo, he having the most entire confidence in me, when he left India for England in 1838, he made his will, naming me one of his executors, and intrusted his will to my keeping, and wished and requested me to take charge of all his affairs in India, but which, circumstances prevented my doing. And I, this deponent, further say, that during the four years I was in the service of the late Begum, I was in almost daily conversation with her as regarding her affairs and family matters ; she frequently mentioned to me that Mr. David Ochterlony Dyce Sombre, Mrs. Ann May Troup, and Mrs. Georgiana Solaroli were all of one father and one mother's children, and that they would have to look to

10 Mr. David Ochterlony Dyce Sombre, on her death, as occupying her place ; and these conversations were well known by Mr. David Ochterlony Dyce Sombre to have occurred, and it is also known to Mr. David Ochterlony Dyce Sombre that he authorized me, in the late Begum's lifetime, to state to his sisters, the said Ann May Troup and Georgiana Solaroli, that he would make a settlement on his Sisters upon her Highness the Begum's death, and that the settlement was carried into effect in January 1838, in which I am named as one of the trustees, and the settlements are now in my possession, and he there states the said Ann May Troup and Georgiana Solaroli as his lawful Sisters. And I, this deponent, further say, that I came to

20 England in 1840, bringing along with me Mr. David Ochterlony Dyce Sombre's will, which I then made over to him, and remained in London from July to September 1840, and was

30 consulted by him about his marriage, and being present at his marriage, and apparently retaining his confidence till the delusions affecting his Wife's character got possession of his mind ; and because I could not go on with him in these delusions his confidence was withdrawn, if one is allowed to consider him as a free agent. It now appears by the report of the two physicians, Drs. Bright and Southey, that this delusion as to Mrs. Dyce Sombre's alleged

Joint
Affidavit of
J. R. Troup
and
Thos. Drever.

infidelity, has given way to a delusion as to his youngest Sister being illegitimate, which has now taken possession of his mind ; that this is quite a delusion there can be no doubt. Mr. Prinsep states that Mr. David Ochterlony Dyce Sombre was his informant as to Mrs. Solaroli's birth, and I firmly believe that Mr. David Ochterlony Dyce Sombre never held any conversation with the late Lord Metcalfe on the illegitimacy of his Sister. And I, this deponent, further make oath and say, having repeated opportunities during the time I was in India of seeing the late Colonel George Alexander David Dyce, who was the Father of the said David Ochterlony Dyce Sombre and the said Ann May Troup and Georgiana Solaroli, and I have no reason to doubt but that they were his lawful children, and I spoke to him of his family, the said Mr. David Ochterlony Dyce Sombre and his two Sisters, Mrs. Ann May 10 Troup and Mrs. Georgiana Solaroli, and he always spoke of them as his only children then alive. And I, this deponent, further say, that during the time I was at Sirdhana I had conversations with many of the old inhabitants of Sirdhana : by all of them the said David Ochterlony Dyce Sombre, Ann May Troup and Georgiana Solaroli were stated to be one and the same Father and Mother's children. And I, this deponent, further say, that I never heard of the said George Alexander David Dyce being married more than once, and that once to the Miss Reenaud, and that the said George Alexander David Dyce was commonly called Colonel Dyce, and was the same person as is sometimes called George David Dyce or Colonel George Dyce. And the said Peter Paul Marie Solaroli was commonly known and generally called only Mr. Solaroli, and that he is the same person as is named Paul Solaroli in the 20 foregoing answer.

J. ROSE TROUP.

THOS. DREVER.

Sworn at the Chancery Affidavit Office, Southampton Buildings, in the county of Middlesex, this 28th day of July 1848,

Before me,

S. ANDERSON.

AFFIDAVIT OF THE REVEREND JAMES HUTCHINSON.

Affidavit
of the
Rev. James
Hutchinson.

Sworn,
24 July 1847.

I, the Reverend JAMES HUTCHINSON, Chaplain to the British residents in the City of Rome, make oath and say, that I am a clergyman of the Established Church of England. And I say that I have for some time paid particular attention to works of art, and that I am competent to form an opinion as to the due execution of works of sculpture. And I say that, in consequence of a request from the Honourable Mary Anne Dyce Sombre, the Wife of the above named David Ochterlony Dyce Sombre, and one of the Committees *ad interim* of his person, I have for some time past superintended the progress of a monument, which was being executed for, and on behalf of, the said David Ochterlony Dyce Sombre, to the memory of the Begum Sombre, by Signor Adamo Tadolini, a sculptor of great eminence and reputation at Rome, under a contract entered into by him with the said David Ochterlony Dyce Sombre, on or about the 24th of January 1839, for the sum of 4000 Louis d'or, in order to ensure the due execution and completion of the said monument, according to the said contract. And I say that I last inspected the said monument on or about the 20th day of June last. And I say that the said monument was then completed, with the exception of a small portion of rough marble, left on one or two figures, before preparing the same for union with the whole, and which, I have no doubt, is by this time done. And I say that, save as aforesaid, the said monument has been executed and finished, in every particular, in accordance with the said contract, with the exception of the inscriptions, which, according to the terms of the said contract, were to be in hollowed letters, inlaid with black marble, but the centre inscription being in the Persian character, it was found impossible to comply with the terms of the contract in this particular; and inasmuch as it was necessary that the side inscriptions, which are in Latin and English, should correspond with the centre one, the three inscriptions have all been executed in hollowed letters painted black, and have a very good effect. And I say that the said monument has been executed and finished to my entire satisfaction, and that the sum of 3,000 Louis d'or, having, as I have been informed and believe, been paid to the said Adamo Tadolini, on account of the said contract, he is fully entitled to receive the sum of 1,000 Louis d'or remaining due thereon.

* * * * *

30

JAMES HUTCHINSON.

Sworn at the Public Office, Southampton-buildings, Chancery-lane in the county of Middlesex, this 24th day of July 1847,

Before me,

G. ROSE.

AFFIDAVIT OF MR. BARTLE JOHN LAURIE FRERE.

Affidavit
of Mr. Bartle
John Laurie
Frere.

Sworn,
31st July
1848.

I, BARTLE JOHN LAURIE FRERE, of Lincoln's Inn, in the county of Middlesex, Gentleman, make oath and say, as follows, viz., I am Solicitor to the Committees of the person of the said David Ochterlony Dyce Sombre

* * * * *

A monument has been executed at Rome, by Signor Tadolini, a Sculptor of eminence there, to the memory of the Begum Sombre, under a contract entered into with Mr. Dyce Sombre. A letter has been received in the handwriting of Mr. Dyce Sombre, and signed by him, dated Naples, 26th February 1848, and addressed to John Pascal Larkins, Esquire, the Committee of Mr. Dyce Sombre's estate, which is in part as follows: "Sir,—I have been 10
"at Rome to see the monument I had ordered for her late Highness the Begum. I see they
"have followed the plan I had given them; but I am very sorry to observe that the
Sic in original. "monument has not been made of Cara marble, but some other substitute. Such being the
"case, I hope you will not pay the Sculptor the remaining sum due to him, as the agreement
Sic in original. "is expressly worded that it should be made of Cara marble, and that of the finest quality.
"I am acquainted a little with Lord Ward, and he will undertake to prosecute the sculptor
"for 200 l. (two hundred pounds), and I should recommend you to write to him immediately on the subject, for the monument is nearly finished, and ought to be sent at once
"to India. I see no use in having it over to England first. A vessel from Rome could
"take it to Marseilles, and thence direct to Calcutta; or from Bordeaux, from whence 20
"vessels go every year to Calcutta. I saw the estimate made by two contractors in
"London for sending the monument to India. I think you will find it cheaper by contracting this at Rome. I dare say Lord Ward will undertake this also; but if he does
"not, I am sure there are others there who will undertake it. There are Messieurs
"Plowden & Co., Mr. Frceborn, and others. I am sorry to say I cannot speak very
"highly of Messrs. Plowden's house, as they have cheated me upwards of 100 scudi
"within a very short time; but then there is Messrs. Torlonia & Co., a very respectable
"house." In consequence of Mr. Dyce Sombre's statement, however, I wrote to Rome, to Messrs. MacBean & Company, the gentlemen who, under an order of this Court, made
the 12th day of January 1848, have the charge of packing and sending over the said 30
monument, informing them of Mr. Dyce Sombre's assertion as to the material, and in their
reply they state to the effect that the monument is properly executed according to the
contract, and they have therefore paid the balance due for it. I have also waited on Lord
Ward, and I read to him the passages relating to him in Mr. Dyce Sombre's letter. Lord Ward stated that both the assertions as to the prosecution of the sculptor, and the
shipping the monument by his Lordship, are quite unfounded; that his Lordship has
no acquaintance with Mr. Dyce Sombre, and does not know that he ever saw him, and

certainly he never spoke to him; and that he never saw the monument in question, or knew anything about it, except that he had understood that a large work of the kind was in preparation in Rome, but by what sculptor he did not recollect.

Affidavit
of Mr. Bartle
John Laurie
Frere.

* * * * *
BARTLE J. L. FRERE.

Sworn at the Chancery Affidavit Office, in Southampton-buildings, in the county of Middlesex, this 31st day of July 1848,

Before me,
J. JEFFERSON.

COPY of the SHORTHAND WRITER'S NOTES taken of the Examination of MR.
10 DYCE SOMBRE, by SIR JAMES CLARK, DR. SOUTHEY, DR. BRIGHT,
and MR. MARTIN, at Mivart's Hotel, on 1st, 3d, and 6th November 1848.

Q. Up to the period when we saw you at Dover, you were labouring under certain delusions?

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of Mr.
Dyce Sombre,
Nov. 1848.
1st Day.

A. I just returned from St. Petersburg, where I had been, and I had been reflecting on these things; on my return from St. Petersburg I remained some time at Brighton, and I thought a great deal about these things. I went to Paris, and from there I came to meet you at Dover. The first day I saw you, I said that, having reflected upon the disinterested opinion you gave on the subject, my mind was quite clear that, whatever I might have thought before, I must have been labouring under delusions, and acting on them.

Q. Therefore I wanted you to state that in the presence of Sir James Clark, because that
20 completely exonerates Sir J. Clark, and all the medical men who saw you in 1843; it exonerates them from the opinion you suppose they gave.

A. Yes.

Q. And it is your own conviction that the jury were justified in coming to the conclusion that you were of unsound mind, when they did come to that conclusion?

A. As far as concerned Mrs. Dyce Sombre's conduct.

Q. There was ground enough at that time to suppose you were of unsound mind, at the time the jury found that verdict?

A. Yes.

Q. Therefore you do not entertain any hostile feeling towards the persons who sued out
30 that Commission?

A. I have none; only it would have been better if I was not so much worried and annoyed about those things. If it had been left quietly to one or two physicians I would not, perhaps,

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of Mr.
Dyce Sombre,
Nov. 1848.
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have had my mind so much annoyed and worked up about these different things ; but there were too many examinations, I thought, and there was not only Sir James Clark, I believe, in 1844, but there were not less than 10 or 12 doctors, who examined me at different periods.

Q. That was after the Commission ?

A. Yes.

Q. It was after the jury had found their verdict ?

A. Yes, some months.

Q. It was your own wish to have that done, to get the Commission done away with, that you called in so many medical men ?

A. At Paris.

10

Q. But not here ?

A. Not at the Hanover Lodge. I was subjected to very strict treatment from the end of March to the beginning of September, and the Commission of Lunacy did not sit till the end of July ; so that I was there four months by myself, locked up by myself, without seeing any other men than the medical gentlemen.

Q. You saw several visitors at that time ; Lord Combermere ?

A. He only called in one day for a few minutes ; only once ; I believe no other.

Q. Sir Charles Trevelyan went once ?

A. Yes, one afternoon.

Q. But you were not locked up ; you had full liberty to go in the garden whenever you 20 liked ?

A. I was locked up at night in a room, while the keepers slept in the next room ; they were next to my door, and have done things that would have turned any man mad.

Q. Such as what ?

A. They have slept with maid-servants in the house.

Q. Close to your door ?

A. Close to my door, and mine locked.

Q. That fact was known to you ?

A. It could not be hid, because when I got up to ask for something, I tried to open the door, and I found it was locked ; and I have heard them laugh and talk to each other.

30

Q. Did you see them in any improper condition ?

A. No, I could not, the door was locked.

Q. Were there any women with them when the door was opened ?

A. Yes.

Q. You saw female forms ?

A. Yes.

Q. Did you mention that at the time to anybody?

A. Yes, I think to you.

Q. Did you see any improprieties in the garden around the house?

A. No.

Q. Now, about the period you felt conscious you were labouring under delusions, when did you feel that it was passing away; was it a gradual impression?

A. You may call it gradual: when I came up to Dover, in September 1846, these were my impressions at the time.

Q. When you came to Dover?

10 A. Yes.

Q. And you stated it at once to Dr. Southey and Dr. Bright, at Dover?

A. Yes, that those were my impressions.

Q. They were effaced somewhat during our interview; they were not in full existence at the time of our first interview?

A. That is your report.

Q. At the first interview you did not seem to be fully convinced of Mrs. Dyce Sombre's purity?

A. That was in 1844.

Q. Did you see Count Nesselrode at St. Petersburg?

20 A. Yes.

Q. Had you any communication with him?

A. I was on the same steamer with him, like other people; he talked on different subjects.

Q. Concerning Mrs. Dyce Sombre, amongst others?

A. He made some allusions to what the report was at the time.

Q. Did he mention any particular person to you at the time?

A. Not that I remember now.

Q. Has that impression remained firmly on your mind ever since?

A. Not since 1846.

Q. It has not remained?

30 A. No.

Q. You are not satisfied that it was a delusion before that period that you were labouring under?

A. Certainly, what I have just been saying is, that when I came to Dover, it was with a firm mind to tell Dr. Southey and Dr. Bright that after consideration I had come to the determination that I think I might have acted under delusions; that as I had no proof, the best thing for me was to consider it so. There was no proof of any guilt; but since then, as

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Dyce Sombre,
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we are not of the same thinking, as our characters are not the same, why it is much better that there should be no talk or proposal of our living together again.

Q. Still your mind continues satisfied; since 1846 you have not changed your mind?

A. No.

Q. You are satisfied that the confession on the part of Mrs. Dyce Sombre of her guilt, you are satisfied that that was a delusion, and that she never did make such a confession?

A. I believe she denies that.

Q. Because she denied it you disbelieve it; you have that confidence in her veracity that you disbelieve it because she denies it?

A. Yes, just so.

10

Q. You think you must have been mistaken, and that she was right?

A. Yes.

Q. To whom was the denial made?

A. I do not know.

Q. Do you remember the confession having been made to you?

A. I remember something of the kind.

Q. Would it not be more satisfactory to your mind if the denial were made also in your presence, and not to a second or third party?

A. As far as I am concerned, I am quite satisfied; I would not wish to hear anything.

Q. You would not wish to see her, to hear her denial?

20

A. It would be no use.

Q. Up to this time you are quite satisfied that Mrs. Dyce Sombre is quite innocent of all those charges?

A. Yes.

Q. And that it was all delusion, your speaking of her before?

A. Yes.

Q. And you were mistaken in supposing that she ever did confess?

A. The impression on you and Dr. Bright was, that she was innocent, and I have no reason to disbelieve it. I have not seen any of those persons who ought to have been informed on the subject for some years now, and therefore I only go by what I hear.

30

Q. Still it is one of those important points that you would not take anybody else's opinion upon, unless you had some conviction of your own that they were right?

A. I have heard it said by so many, and so often, that it is not the case. I suppose she would not confess herself.

Q. Did she or not confess?

A. You have told me that those were delusions, and I am satisfied with your opinion.

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of Mr.
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Q. You would rather take that than your own impression?

A. After mature consideration I think so. Incompatibility of temper is the only fault.

Q. Do you think that will prevent your living together again in the event of the Commission being superseded; incompatibility of temper is the only thing at this moment?

A. Yes.

Q. Would you not be glad that Mrs. Dyce Sombre should be informed that you acquit her of all those suspicions?

A. I thought she was informed.

Q. Did you write to her?

10 A. No. I was ready to do anything you proposed, at Brighton.

Q. We did not press that upon you.

A. I think that had better rest with the lawyers.

Q. It is an affair rather of the heart and feelings. There is Lord St. Vincent; it was a terrible imputation upon him, having had incestuous intercourse with his daughter, that I should think you would be glad to have an opportunity of relieving him from as soon as you can?

A. We have dropped all connexion.

Q. Does it not pain you to have made such an atrocious accusation against your own father-in-law?

20 A. I have no objection to saying, that under the circumstances in which I was placed at the time, I am sorry that I accused him of this.

Q. Knowing it to be unfounded?

A. Hearing it to be unfounded.

Q. I think you must know that it is unfounded; you must be satisfied that it was a perfect delusion?

A. Of course.

Q. One is anxious for their sakes that there should be as unequivocal a refutation as possible of such a charge; there ought to be a solemn disavowal.

A. I do not know that I can say more than I have said.

30 Q. Put it down on paper; you can do it when we are gone; you can say that you have a feeling of regret in having injured the feelings of Mrs. Dyce Sombre and Lord St. Vincent.

A. I think it better not to mix Mrs. Dyce Sombre's affairs with her father's.

Q. But they are mixed in the accusation?

A. I am ready to express my sorrow. Lord St. Vincent can see that I am sorry for what I said at the time. As for my writing anything to Mrs. Dyce Sombre, that had better be left to the lawyers; there is Mr. Frere on her part and Mr. Shadwell on mine.

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of Mr.
Dyce Sombre,
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Q. It is necessary to state upon paper your conviction, which you may do in your own way, at your pleasure.

A. Any of these gentlemen can write anything they like.

Q. If I understand you, your impression is founded on the assertions of other people, the opinions of Dr. Bright and others, that they are satisfied you are under delusions, and you are satisfied of it in consequence of this assurance being given you by other people?

A. Yes.

Q. It did not occur to your own mind that such accusations were unfounded; it did not strike you as a thing out of all possibility that a well educated young lady should be the victim of her own father; did it come up in your mind?

10

A. Yes.

Q. You would have come to that conclusion if you had never heard Dr. Bright and myself say anything about it?

A. I should never have thought of such a thing occurring in good society.

Q. It would not have occurred to you when you were in the state of mind you now are; you would not have dreamed of such a thing as a father having incestuous intercourse with his own daughter?

A. No.

Q. As to incompatibility of temper; at the time you parted from Mrs. Dyce Sombre, you wrote some kind letters after you parted from her?

20

A. I do not know what I might have done between that time and 1846.

Q. When you were first under restraint you wrote some kind notes to her?

A. I might.

Q. It did not seem at that time that you suffered from incompatibility of temper?

A. We were not separated.

Q. You were restrained against your will?

A. At that time.

Q. You never wished to be separated until you were separated almost by force?

A. Yes.

Q. So that that feeling of incompatibility of temper did not cross your mind till your illness?

30

A. It may have been before that, but I did not come to any determination about it.

Q. It is curious that after you were thoroughly satisfied that all these were delusions, that you should still feel an impossibility of ever being reconciled to Mrs. Dyce Sombre, after the delusions had vanished from your mind.

A. I think I have turned over and over again the same subject since we met at Dover; I do not think it could ever answer.

Q. You do not think kindly enough towards her so as to live with her again?

A. No.

Q. Is there any other cause beyond incompatibility of temper that has arisen why you should not again be united?

A. No.

Q. No other cause than that?

A. No.

Q. You feel no anger towards any of those persons whom you thought had been connected with Mrs. Dyce Sombre?

10 A. I have thrown off all that.

Q. You have not fallen in with General Ventura abroad?

A. No.

Q. You have never met with him of late?

A. No, he has gone to India, I believe.

Q. And Sir Frederick Bathurst?

A. I did not know him at all.

Q. And Mr. Cecil Forrester?

A. I have met him once or twice.

Q. Since that encounter in the street with him?

20 A. No.

Q. You have not seen him since that?

A. No. I mean altogether my knowledge of him was very little.

Q. You are sorry for all those accusations that you made against those gentlemen; you feel regret at it?

A. I scarcely recollect what it was.

Q. When we parted at Brighton I remember there were put into our hands some papers; when you were at Brighton you got into some scrapes there. Have you seen the affidavits that were made against you?

A. No. There were several persons there whom I was acquainted with, and I am sorry
30 they did not tell me if such was the case.

Q. You do not remember anything happening at the hotel?

A. The day I wanted to leave Brighton I had not received my money, and I took a drive before I left. I expected money the same afternoon, and in my absence they locked up my boxes in the room; they thought I was going to run away with them; that is all. When they did that I was rather annoyed; I explained to them what I intended doing, and I paid their bill.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
1st Day.

Q. Did you ever lock any person up in your room at Brighton?

A. No; I can swear to it.

Q. You never locked up any of the chambermaids?

A. No.

Q. You have been very amorous there?

A. I have seen affidavits made since. There is an affidavit of a woman who was made to say that I slept with her at her house, and the next morning, under some pretence, I left her without paying her. I can take my oath that this never happened; but there were persons there who told me that such things were getting up; and they told me the name of the person who was getting them up.

10

Q. Who was the person?

A. Lord Combermere told me that Sir Richard Jenkins was getting up those affidavits.

Q. Lord Combermere said so?

A. Yes.

Q. There is a statement about your being in the habit of sitting in the water-closet with the door open?

A. They may exaggerate the thing; but sometimes it may have happened that it was dark and I left the door open of the water-closet; but I knew that no ladies were in the habit of visiting that part where the water-closet was situated. There were two ladies situated nearly opposite me, but they never were in the habit of going to that water-closet. 20 There was another accusation: a woman came with a letter, and wanted to see me, and it is said that I turned her out, or did something very extraordinary. I can swear that such a thing never happened.

Q. We do not mean to say that it is a proof of unsoundness of mind when a man takes a woman into his room, but still it would be unwise to act so in a hotel.

A. I will show you the absurdity of the accusations. Mr. Mahon, who is connected with this affair, he is a friend of mine, and had a great deal to do in this affair; he was sitting in the room just opposite to the bed-room where this could have been done, and he surely could have heard the noise or the knocking.

Q. In regard to the getting up of these accusations, have you ever had reason to suppose 30 that any of the other Directors of the East India Company, besides Sir Richard Jenkins, were instrumental in getting it up? I think there was a former occasion on which Sir Richard Jenkins made himself very obnoxious to you?

A. I had some claim against the East India Company.

Q. And he resisted it?

A. He was the leading character in that business.

Q. It was Lord Combermere who told you that Sir Richard Jenkins was getting up this ?

A. He said that Sir Richard Jenkins was at Brighton and getting up some affidavits against me.

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of Mr.
Dyce Sombre,
Nov. 1843.
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Q. Did Mr. Mahon live with you ?

A. No ; he came after dinner, and he was sitting in the room with me.

Q. If I remember rightly, this locking up of the chambermaid is stated to have taken place after breakfast, or certainly early in the forenoon ?

A. I understood the day I was told at Brighton that such an accusation had been made,
10 the woman was sent away from the house ; this occurred at night.

Q. There is another absurd accusation : that while the landlord's wife was at one water-closet you were at the next, and kept watch, so as not to let her escape ?

A. I remember seeing the mistress of the hotel, and I am sure if you were to be the judges you would not suspect that I could have much wish to interfere with her in any respect.

Q. You do not remember her being imprisoned in the water-closet, and not being able to escape ?

A. I recollect there were two water-closets ; I have heard people cough ; they may have been servants.

20 Q. It is curious that Sir Richard Jenkins should take the trouble to get up such sort of things ?

A. It is very extraordinary.

Q. He was very much opposed to the restitution of your rights ?

A. Yes.

Q. Are you certain that he was opposed to it at the time ?

A. I saw him at Brighton.

Q. You thought at the time he was opposed ; do you think so still ?

A. I am led to believe that in 1843 and 1844 I have been under delusions, and that might be another.

30 Q. Then, you see, the circumstance, that Lord Combermere stated to you, was in 1847 ?

A. Yes.

Q. It is a fact that Lord Combermere told you that ?

A. He told me in the presence of Lord Downshire.

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SECOND DAY.

Mivart's Hotel, 2nd November 1848.

Q. THE last place you visited was Spain?

A. Yes.

Q. Was there any difficulty in getting into Spain with your carriage?

A. No; I employed a person, who told me that I could take the carriage to a place where, by the late orders of the Spanish Government, the carriage could pass into Spain by paying something, and he made arrangements with a banker for the purpose.

Q. You took your carriage?

A. Yes.

10

Q. And you have also been in Italy, I believe?

A. Yes.

Q. The last time, you told me, you wanted to go to see the monument of the Begum?

A. To Rome.

Q. You have seen that?

A. Yes.

Q. Were you quite satisfied with it?

A. I thought it had been neglected; but I found that the instructions I had given were followed not quite in the way that I wished; but still it is better than I expected to have seen it.

20

Q. Did they make it of the marble that you wished it?

A. No.

Q. You wished it made of Carrara marble?

A. Yes.

Q. They had not done that?

A. It was not of the first quality.

Q. But still it was Carrara marble?

A. I do not know the different kinds of statuary marble myself.

Q. You had reason to suspect that it was not of the first quality?

A. Yes:

30

Q. Had you any difficulty in settling the matter with Tadolini?

A. There was a great deal of useless trouble, because when it came to the point, it seemed that I had no power to settle it.

Q. The contract had been made?

A. The contract had been made by me some years ago; but as to the settlement about sending it off to India, it appeared that I could not interfere in it.

Q. Did you meet Lord Ward at Rome at all?

A. I thought so; but his Lordship says that it was not him; I may be mistaken; I was told it was Lord Ward.

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Q. Had you not been previously acquainted with him so as to be able to identify him?

A. I have seen the very same person at Lord Shrewsbury's.

Q. Did he make some settlement with you about Tadolini?

A. Before I left France, I heard that if there should be any difficulty in my getting it out of Tadolini's hands, that he would undertake to do it.

Q. That Lord Ward would assist you in any difficulty that might occur?

10 A. Yes.

Q. Do you remember who told you?

A. No.

Q. Have you any idea why Lord Ward should do it?

A. I was told that his Lordship was not very rich, and that he would undertake it.

Q. For a commission?

A. Yes.

Q. For a consideration?

A. Oh! of course.

Q. Do you recollect what you offered him?

20 A. I believe I offered him 200 l.

Q. What did he say?

A. He said that he could not; but that if I wrote to England, and they wished him to undertake it, he would do so.

Q. For that sum?

A. He said the sum was very handsome.

Q. He said that if they wished him in England to undertake to do it, he would do so?

A. Yes.

Q. But he would not do it on his own responsibility?

A. He said he would not do it on my offer; he was aware that my affairs were in the
30 Court of Chancery; perhaps he knew that I had no authority over it.

Q. How did you make this communication; was it directly in conversation with Lord Ward, or how was it?

A. Yes; I met him at the library there, I believe.

Q. The library at Rome?

A. The library at Rome.

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Q. It appears doubtful whether this was Lord Ward ?

A. I have seen a statement in an affidavit where it is mentioned, that Lord Ward, on being asked, said that he was not aware of it, and that he never saw me.

Q. How do you explain it ?

A. Only that I was told it was Lord Ward.

Q. Were you introduced to him as such ?

A. The first time I met him at Lord Shrewsbury's; that was many years ago; that was in the year 1838.

Q. When you met him at the library, did you recognise him as an old acquaintance ?

A. I immediately knew him.

10

Q. And you seemed to recognise him ?

A. It was not the first time that I saw him, at the library; I met him out driving.

Q. And you recognised each other in passing ?

A. No; I merely thought that this was the same person I had seen before.

Q. You thought that because Lord Ward had rather a small income he might undertake it ?

A. Of course I did, or else I would not have asked him to do it.

Q. It was a handsome offer ?

A. I think it would not have taken him a week to settle it.

Q. Lord Ward had a house at Rome, had he not ?

A. Not that I am aware of.

20

Q. The person, whom you addressed as Lord Ward, answered to you as if he was Lord Ward; he did not seem to be surprised at your calling him Lord Ward ?

A. He did not wish that I should know that he was Lord Ward.

Q. He wished to remain incognito ?

A. Yes.

Q. And you humoured the incognito ?

A. Yes, just so.

Q. You had no hesitation or doubt that it was the same Lord Ward that you had met at Lord Shrewsbury's ?

A. There was no hesitation on my part that it was the same man.

30

Q. You had no doubt that it was the same person that was introduced to you, as Lord Ward, at Lord Shrewsbury's ?

A. No.

Q. Did you not think it rather extraordinary that a person, like Lord Ward, should undertake a thing of that kind?

A. Necessity has no law.

Q. Did you hear that Lord Ward was a necessitous man?

A. I have heard since that he is a very rich man.

Q. You were not aware of that when you asked him to do that little matter?

A. No.

Q. He did not seem offended at the proposition you made?

A. No.

10 Q. Or at the amount you offered?

A. No, he thought it very handsome.

Q. Is the monument gone now?

A. No, there is some difficulty about it.

Q. There has been a good deal of doubt started on the subject of the legitimacy of your sister; after considering the point we should be glad to hear you explain yourself.

A. It is a very simple narrative.

Q. Because it is very important to have it cleared up.

A. I was taken away by the Begum, while I was very young, perhaps not 40 days old, and I was with her till I was sent to school; but these two ladies, daughters of my father,
20 lived about a mile from the Begum's palace, in a house given them by the Begum, and they were brought up under the care of the father, while his wife was alive; his wife died in 1820 at Delhi; the Begum was there also, and it is the custom amongst the natives of India that when a death occurs the children are not left in the house for some days; they are taken away by relations or friends, and such was the case with these two girls; they were very young at that time; I was at school, and when the time came for their departure the father would not take them, so that they were left with the Begum.

Q. Your father would not take them from the Begum?

A. No.

Q. When they were to have been taken home again?

30 A. He would not take them back.

Q. Was it their wish?

A. They had no wish of their own; they were too young.

Q. What age were they?

A. This happened in 1820; the eldest was born in 1812, and must have been eight years old, and the other was born in 1815, and must have been five years old; and so they remained with her till 1826 or 1827, I think; but in 1827 the Begum and the father could never agree, and therefore she wanted to pension him and send him away from her party. She

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offered these daughters to be sent to the father, and would have given him some pensions for them to live upon, but he would not take them, and there they remained till the time of their marriage.

Q. With the Begum?

A. Under the Begum's care ; but the Begum lived either at Sirdhana or Meerût, and they lived at Delhi.

Q. The two young ladies lived at Delhi ?

A. Yes. At the time they were married, when the Begum sent for them at Sirdhana the father interfered again, and would not let them come ; so that this case had to go before Mr. B. Martin ; he was Resident at Delhi at the time, and Sir Charles Trevelyan was his Assistant ; and this question was brought before him, and he sent Sir Charles Trevelyan to inquire of these ladies whether they would wish to go to the Begum or to their Father ; they said they wished to go to the Begum, and so it was decided. 10

Q. According to their wishes ?

A. According to their wishes. So this matter of legitimacy was brought before Mr. Martin, I have not the least doubt, more out of curiosity than anything else. I have been told lately by a very great authority, who is no more now, Lord Metcalfe ; but I am sure Mr. Martin knows as much, or nearly as much, as Lord Metcalfe.

Q. Mr. Martin has declared that he has no knowledge of it, and never heard the question started. 20

A. Has Mr. Martin said that ?

Q. Yes.

A. To whom has he said so ? I should like to put it to him.

Q. In the papers that have been furnished to the members of this Commission he so writes ; he says that he has no knowledge of it.

A. Was it ever put before him ?

Q. It would seem not.

A. I used to be with the Begum when Mr. Martin's letters were read to her on the subject.

Q. Did the Begum have any notion of the illegitimacy ? 30

A. She was well aware of many things, but she did not wish to speak on the subject.

Q. She made no difference between them ?

A. She made no difference between them ; she often wished to say things, but somehow or other, from some promise that she had made, she would not disclose them.

Q. That was your conjecture, because she never told you so ; you say she wished ?

A. I have heard her throw out many hints that the youngest, Madam Solaroli, was born out of a mistress.

Q. You say that she threw out hints ; what sort of hints ?

A. Why, Mr. Glynn is now alive, who was a very intimate friend of the Begum's, and I have heard him speak on the subject, and he has said that, he heard that she was out of a mistress.

Q. Did she say that to Mr. Glynn ?

A. Yes ; and I am sure Mr. Glynn cannot deny it.

Q. Is Mr. Glynn now in England ?

A. He is now at Brighton.

Q. Mr. Glynn, of the Civil Service ?

10 A. Yes.

Q. If it was true, the Begum must have known it very well ?

A. Yes ; but the Begum had many affairs of her own to manage. In India, in fact, such children are brought up in the family in the same way as the other children, and it is considered nothing ; therefore the Begum did not look into it in the same light as a European would.

Q. But a great difference exists in families in India between those parties that are known to be legitimate and those that are not so, a great difference ?

A. No, I believe not.

Q. I believe a very great difference exists between them ?

20 A. No.

Q. Even amongst the natives it is so ?

A. At Delhi there is not much difference ; I believe they are brought up in the same way.

Q. But this was a Christian family ?

A. They make very little difference.

Q. Your family was a Christian family ?

A. Yes.

Q. And the Begum had herself become a convert to Christianity ?

A. But they kept up the native manners ; she was a sort of sovereign, that was a different thing ; but all the rest of the ladies of the family never appeared in public.

30 Q. I am speaking of the estimation in which children are held among families in India, that there is a great difference made between those who are known to be legitimate and those who are not ?

A. No, I believe amongst the Mahometans they make no difference.

Q. Between the children of the betrothed wife and the children of a mistress there is a difference ?

A. No, I believe not.

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Q. When did it occur to you; when were you first informed that your sister was illegitimate?

A. About the youngest?

Q. Yes.

A. There was always some kind of mysteries and hints thrown out about it, that she was not really the child of his married wife; and Lord Metcalfe put it all at an end. He said to me when he was going away to America, "The last proof I can give you of my regard for you is to tell you what I know about her."

Q. He said it expressly?

A. Yes.

10

Q. What did he say; do you recollect the words that he used?

A. He said, "You seem to be always in doubt whether she is really your whole sister or your half sister;" and then he told me that Sir David Ochterlony, who was Resident before him, had advised the Begum to settle 10,000 £. on this girl, because, when this question was first brought before the Begum, she was very young; I do not think she was more than two years of age; and he wished the Begum to settle 10,000 £. upon her, which, somehow or other, did not take place.

Q. Was that because she was illegitimate; was it to get rid of her?

A. I do not know; they seemed to think that the Begum was rich enough to do such things.

20

Q. Do you speak of Sir David Ochterlony or Lord Metcalfe?

A. Sir David Ochterlony.

Q. He told this to Lord Metcalfe?

A. He advised this to the Begum.

Q. How did you ascertain that?

A. Because it was known to all the Establishment about the Begum, her native Secretaries and Ministers, and all those persons about her.

Q. Lord Metcalfe told you positively that she was illegitimate, before he went to America?

A. Yes.

Q. As a matter of great importance did he communicate it to you?

30

A. Yes; he said it was the last favour he could show me.

Q. Do you know Mr. Prinsep?

A. Yes.

Q. Was anybody present when Lord Metcalfe told you this?

A. No; but he has repeated this in the presence of Mrs. Dyce Sombre.

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Q. Lord Metcalfe did ?

A. Yes.

Q. Where did he meet her ?

A. He came to the Clarendon Hotel where we lived, and I wished him to say what he had been telling me some time before, and he did so.

Q. This was just before he went to America ?

A. Yes.

Q. Had you any communication with Lord Metcalfe after he returned from America ?

A. Yes, I had.

10 Q. On that subject ?

A. No, not on that subject.

Q. Are you aware that Mr. Prinsep applied to Lord Metcalfe to know something on the subject ?

A. I wished him.

Q. Did he do so ?

A. He did so, and Mr. Prinsep says Lord Metcalfe told him he could not speak so positively about the birth of Madam Solaroli as he could about the other.

Q. But he spoke positively to you about it before that time ?

A. Yes ; but he did not wish to enter into my affairs in that manner.

20 Q. He thought that it would be very essential to your comfort and prosperity that
• you should be put in possession of this fact ; why did he withhold it from your friend Mr. Prinsep ?

A. It was natural enough.

Q. You were very intimate ?

A. I have known Mr. Prinsep for many years, and I have also known Lord Metcalfe many years.

Q. You have known them very intimately ?

A. Yes ; but we do not like to talk of other persons' affairs.

30 Q. Lord Metcalfe told you all this without your asking him ; he thought it so important
to you that he volunteered to tell it to you without your asking him about it ?

A. Yes, he told me as a last act of kindness ; he said probably he would never see me again.

Q. You had suspicions about it, before that, yourself ?

A. Yes, I had, always.

Q. You always had suspicions ?

A. When Colonel Dyce, their Father, left the Begum, Mr. Glynn had several conferences

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with him on matters of business, and he has acknowledged to him about the illegitimacy of the Daughter.

Q. He acknowledged to whom?

A. To Mr. Glynn.

Q. Mr. Glynn told you that?

A. Mr. Glynn told me that.

Q. The only two proofs you have, as to the illegitimacy of your Sister, are Lord Metcalfe and Mr. Glynn?

A. There are others; there is Mr. Scott; he is dead; but there is Mr. Tulloh, he is alive.

Q. What does he say?

10

A. I have not seen him.

Q. Then the only proof you have, of the illegitimacy of your Sister, is what Lord Metcalfe and Mr. Glynn told you?

A. There is Mr. Smith also, F. C. Smith.

Q. He is at Hampstead; he knows it well?

A. He knows it very well; and there is Mr. Charles Elliott.

Q. He is also in this country; he is in Portland-place; he knows it well?

A. Yes.

Q. Then it is a fact of general notoriety?

A. Oh yes!

20

Q. There is no question about it?

A. There is no question about it.

Q. How do you account for the fact that Dr. Drever, who states himself to have lived four years in the family, never heard it from any member of the family, or from any of the oldest persons resident with or about the family?

A. I know that he has made affidavits to that effect, but they are all false; he knows it perfectly well.

Q. Notwithstanding his affidavit?

A. Yes.

Q. What was your Father's object in making her out illegitimate; do you know what motive he could have had in doing so?

A. His object was, that he should have the Begum's property in the first instance, and then he would give it to me and this other Sister, the elder Sister; and what I had got in the Begum's lifetime, that I should settle part of it, upon the other.

Q. The illegitimate one?

A. Yes; that was his object at first.

Q. But did he admit to you that she was illegitimate himself?

A. Yes, before leaving Calcutta he did himself, in the presence of Solaroli, her Husband.

Q. Anybody else?

A. No.

Q. Your Father was in Calcutta at the time?

A. Yes.

Q. And he told you before Solaroli, that his Wife was illegitimate?

10 A. Yes.

Q. Did you make any communication about this to her; did you make over any money to her?

A. Just before, I had settled 20,000*l.* on each of them, not knowing that she was illegitimate.

Q. You did not know it at that time?

A. No.

Q. What date was that?

A. In 1836.

Q. All the hints that the Begum had thrown out you did not put any confidence in them?

20 A. No.

Q. The common reports upon the subject had not impressed your mind with any such notion?

A. No.

Q. Although the Begum had frequently hinted at it?

A. Yes.

Q. The Father told you after you made the settlement?

A. Yes, some months.

Q. Up to that time you were not impressed with any notion of its being the case?

A. No; this was just before I left Calcutta.

30 Q. Although these hints had been thrown out from various quarters, they had not made that impression upon your mind?

A. No.

Q. You told me, they were your Sisters?

A. I think I explained to you, about the doubts of Madam Solaroli.

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Q. I never heard of it until now; until this month.

A. I thought I had always stated it.

Q. I think you said that you never thought of it till lately?

A. I brought this forward again in 1844, when the examinations took place.

Q. In reply to a question of mine just now, you said that you had always suspected it, strongly suspected it; is not that the case?

A. Yes.

Q. But you, nevertheless, settled 20,000*l.* on each?

A. Yes.

Q. Your suspicions made no difference in your intention?

10

A. No.

Q. Your Father said nothing to you about it till that was done?

A. I never saw him; in fact he had a suit, against me, in the Supreme Court of Calcutta, and I did not see him.

Q. Was he not there?

A. Yes.

Q. I thought you said he told you in Calcutta?

A. I saw him before leaving Calcutta.

Q. And he expressed that to you, before Solaroli?

A. Yes.

20

Q. What did Solaroli say?

A. He said he was well aware of it.

Q. Was he aware of it, when he married her?

A. He was well aware of it, even before he married her.

Q. It is a question of fact; you cannot be mistaken in your recollection about it?

A. Not what has passed in my own presence.

Q. Did you ask your Father on the subject, or did he volunteer to tell it you?

A. He volunteered it himself.

Q. Lord Metcalfe seemed to be impressed with the great importance of it, and he made a direct communication; it was not from any doubt you expressed to either of them that they communicated this?

A. No.

Q. They volunteered to tell you this fact, both of them, without your inquiring?

A. Without my inquiring.

Q. In the face of those suspicions so long held by you, how was it that in the instrument formally drawn up by lawyers in Calcutta, settling those 20,000 l. on each of the Sisters, how comes it that in that instrument you permitted them, with those suspicions still in your mind, to call her your lawful Sister?

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A. I had no suspicions at that time; this happened in 1836.

Q. I thought just now you declared that you always had suspicions, from the hints that were thrown out?

A. There were hints thrown out that she was not a full Sister; I never could make out how she was not.

10 Q. Till your Father told you?

A. Yes. In native families these things are considered nothing, therefore though the Begum knew the fact, she did not lay that importance to it.

Q. When was it that Mr. Glynn served in the Delhi district?

A. He was at Meerut; he was from 1820 till he resigned; but I remember it was in 1827 and 1828 that the Begum employed him in this matter.

Q. And informed him of it?

A. Yes.

Q. Has Mr. Glynn told you that?

A. He has not only told it to me, but he has told it before the whole Court of Chancery.

20 Q. The Court in Calcutta?

A. No; here in London.

Q. Before the Court of Chancery?

A. Yes.

Q. He stated that Madam Solaroli was illegitimate to his knowledge?

A. To his knowledge, and from the Father's confession; it was from the Father's confession and the Begum's information.

Q. He had no reason to doubt it?

A. No.

Q. He declared it in open court?

30 A. Yes.

Q. In our Court of Chancery?

A. In our Court of Chancery.

Q. You do not recollect when that was, do you?

A. In 1844.

Q. Were you present in the Court of Chancery?

A. I was present.

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Q. What is Mr. Troup's opinion ?

A. He knows it perfectly well ; but I have seen his affidavit, and he denies it.

Q. Do you know, or have you any idea, what his motive can be for denying it ?

A. His motives are said to be, that in case of my death he is to get half the property, and Mr. Solaroli, for his Wife's part, will be satisfied with 10,000 £.

Q. And what is to become of the rest ?

A. That I do not know.

Q. If he could prove the illegitimacy he would get the whole ?

A. Is not that getting the whole ?

Q. It is getting the half, minus 10,000 £.

10

A. Yes ; but if 10,000 £. would settle all this, it is much better than going to law ; if he can compromise for 10,000 £. it is much better than going to law about it.

Q. How do you know this ?

A. Such hints were thrown out in India before I left.

Q. Of this arrangement ?

A. Yes.

Q. At one time I think you had some notion about communication with Spirits in India ?

A. Have I ever said that I had communication with Spirits ?

Q. Yes ; that was during your illness ?

A. I do not remember it.

20

Q. Of course you do not remember all that passed during your illness ?

A. No.

Q. You heard this in the ordinary course of conversation ?

A. Yes.

Q. Before you left India ?

A. Yes.

Q. What did you hear ?

A. That Mr. Troup would be quite satisfied with half.

Q. Do you recollect who told you ?

A. There are so many. There is Lord Henry Gordon : I do not know what he may say now, but he has told me this. There is Major Bere, of the 16th Lancers, he has told me this.

Q. Before you left India ?

A. Before I left India.

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Q. They have told you that Mr. Troup would be satisfied with half the fortune?

A. Before he married he made that agreement with some one or other, that he would be satisfied with half, and Mr. Solaroli would be satisfied with 10,000 £.

Q. That was arranged between Mr. Troup and Mr. Solaroli?

A. Yes.

Q. And Lord Henry Gordon told you this?

A. I mention his name, but I have heard it from several others.

Q. Is Lord Henry Gordon in England?

A. I do not know.

10 Q. Do you recollect when he told you that?

A. It was after the Begum's death.

Q. Before, or after you, made out that document?

A. Before.

Q. Did not that affect your calling her your lawful Sister?

A. I thought they wanted to make a joke of it.

Q. You did not believe it?

A. I did not pay any attention to it.

Q. Did you believe it after your Father told you?

A. Yes.

20 Q. You began to believe it then?

A. Yes.

Q. You never were quite satisfied till Lord Metcalfe told you?

A. Yes, he confirmed it; he said he was aware that his days were over in this world, and he was going to tell me this as a last act of favour.

Q. He did not wish you to keep it a secret?

A. He said he would be glad if I remained quiet till it was actually necessary; he knew that he had not long to live.

Q. This was before he went to America?

A. Just before.

30 Q. He was not very ill?

A. He had a cancer in his face.

Q. His cheek was quite healed over at that time?

A. No, he opened the bandage and showed it me.

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Q. You must be mistaken in the period?

A. I saw him in 1843 for the last time, before he went to Canada, in February 1843. He came home, and died here, in 1846. I only saw him twice during that time.

Q. In regard to this proposed arrangement of Mr. Troup; do you think that in the event of your death such an arrangement will hold in respect of your property?

A. Why, I have carried it before the ministers, and I have spoken to eminent authorities about it: I hope it cannot be so now, but such was the idea that was entertained by Captain Troup.

Q. You probably made a will by which you could more effectually settle it?

A. Just so.

10

Q. You made a marriage settlement which would interfere with this arrangement?

A. It would come in the division: this would be accounted for if it was to be divided.

Q. I have understood that, in the marriage settlement that you made previously, you settled 200,000 *l.* on Madame Dyce Sombre, in the event of your death?

A. No, those were not my instructions to the lawyer. When this settlement was ordered to be drawn, I had Dr. Drever with me, my friend, whom I had asked to superintend over this, and look over everything that was to be said in the trust deeds. When the papers were brought, there were so many that I could not go over them. I could have gone over them, but I did not. I looked over some of the sheets; the marriage settlement was 4,000 *l.* a year in case of my death.

20

Q. That was what you intended?

A. That was what I intended; but I hear that according to law the lawyer, or whoever made out the settlement, ought to have said "in consideration of the widow's share" afterwards: it ought to have been put in that I gave 4,000 *l.* a year in consideration of her share as a widow, and this I am told is not inserted.

Q. And the other has been inserted instead?

A. Which other?

Q. The 200,000 *l.*

A. That was Lord St. Vincent's wish; he said that some provision is always made for younger children. It is not 200,000 *l.*, it is 200,000 rupees, 20,000 *l.*

30

Q. That makes a difference?

A. That makes a very great difference; it is 200,000 rupees; but as I left everything to Dr. Drever, I did not go through it myself. It is not the Dr. Drever who practised in London, but a relation of his who was in the East India Company's service.

Q. You do not seem to be quite clear about the settlements at this moment; how they are made out?

A. No, I know nothing about it.

Q. You never read the settlements ?

A. Not all.

Q. Does not your lawyer know all about it ?

A. He knows everything about it of course, but that lawyer is no more my lawyer ; he has turned against me, Mr. Frere.

Q. He was your lawyer at the time ?

A. Yes.

Q. But he could not alter the deeds after they had once been completed ?

A. No.

10 Q. You do not know what they are ?

A. I do not know what they are.

Q. I thought you said that what you desired to be inserted was omitted ?

A. I am told by friends of mine that this part has been omitted.

Q. But that it should have been put in ?

A. Yes.

Q. Does not Mr. Shadwell know it ?

A. No, he has never seen it.

Q. Who was the trustee on your behalf, or was there more than one trustee ?

A. There were several.

20 Q. Personal friends of your own ?

A. This Dr. Drever was one of them who I trusted the most ; he had been with the Begum four years.

Q. And you no longer trust him ?

A. No, I cannot after his affidavit.

Q. He has turned against you ?

A. He has not only turned against me, but I know he has perjured himself.

Q. Your impression is that Mr. Frere cheated you in not making out this properly ; what motive could he have ?

A. It could not have been any good motive.

30 Q. Have you had reason to find fault with any of your other lawyers ; have they cheated you ?

A. Latterly, since 1843, my property has not been in my hands, so that they could have cheated me very little ; but I have reason to believe that they have not acted fairly.

Q. Had you any transactions with any lawyers in Rome while you were there ?

A. No.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
2d Day.

Q. Had you any business with a Mr. Plowden ?

A. He is not a lawyer, he is a banker.

Q. Did he cheat you ?

A. He cheated me.

Q. Did he cheat you much ?

A. No, not much.

Q. How much ?

A. Not a very large sum, but still he has cheated me ; he cheated me in paying my servants in the first instance, and then he has paid me less money than I asked him, and he has charged me full in his accounts.

10

Q. It is not a very large sum ?

A. No, it is not a very large sum.

Q. He has the character, I believe, of being a very honest man ?

A. I never heard that.

Q. What offence did Prince Doria give you ; I find, according to some of these statements, that you appear to have taken offence at something done by Prince Doria ?

A. It is not fair, I think, to enter into these transactions.

Q. These things are stated as a proof that you are rather hasty ; we should like to clear it up for you.

A. It has no reference to this affair.

20

Q. It is put forward as a statement to prove that you are not of sane mind ; we have it submitted to us ; we are called upon to mention it to you, and we want to find out that your conduct was reasonable.

A. It is entering into private affairs more than is necessary.

Q. It is very painful to us to discuss any of your private affairs, but it is a part of the statements which are for our consideration and your explanation.

A. I can only say so far, that I thought it necessary that I should ask some explanation from the Prince Doria.

Q. You cannot tell us the nature of the offence ?

A. I think it is not necessary to enter into that.

30

Q. In short, that is a subject you would rather not disclose ?

A. Just so.

THIRD DAY.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
3d Day.

Mivart's Hotel, 6th November 1848.

Q. Now I think we have nothing further to ask. We have gone over the old ground till you are no doubt sick of it; it must be as hurtful to you as it is to us; therefore we will not go over the old ground again, but we have merely a few common-place remarks to make. You were annoyed when I asked you about Prince Doria. I must apologize if I have given any offence, but you see these facts have been alleged by persons who consider you to be of unsound mind; they bring forward these facts.

A. These are interested persons. I have seen Mr. Frere's affidavit on that subject; of course Mr. Frere is an interested party. If Prince Doria had complained and thought me of unsound mind, that would be a different thing. Mr. Frere, of course, will say anything.

Q. I mention it in order that you might explain anything on the subject.

A. I have nothing more to explain than what I said before, that I thought I had some reason to ask for an explanation of Prince Doria.

Q. And you did so ask an explanation?

A. I did, and he did not give me a satisfactory answer, but I could not help that.

Q. It was with no wish of annoying you or prying into your private concerns that I asked you, but merely that anything that came into the shape of an affidavit might be stated for the sake of explanation. I thought you might like to have an opportunity of explaining it.

20 *A.* I did explain it the first day.

Q. I thought you rather shrank from the inquiry.

A. I said I had some reason to ask for an explanation of what he had done, and then I said I decline entering into the subject more particularly.

Q. Leaving it just as it is; in fact you do not wish to offer any explanation about it?

A. I have explained it as far as I can.

Q. There are no points brought forward in the hostile affidavits which you would like to address yourself to; you have seen them all?

A. Yes, but there are so many that I did not think it worth while to have copies of them by me.

30 *Q.* In fact there are no allegations that you think it worth while to refute or say anything about?

A. They are all false, and I have addressed the Lord Chancellor on them several times; but since they were not taken notice of I have expressly for that reason (though I have not entered into the affairs of the affidavits, but about other matters that I think myself aggrieved in), I have addressed a letter which I wish you to deliver to the Lord Chancellor. I have left it open for you to make any remarks.

Q. Do you wish that to be conveyed to the Lord Chancellor?

A. Yes.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
3d Day.

Q. I will give it to his Secretary ; do you wish us to look at it ?

A. Yes, you may.

Q. Because without your permission we should not look at it.

A. You may do so.

Q. And I am responsible for its going into the hands of the Chancellor's Secretary ?

A. Not to the Secretary ; I wish it to be delivered to the Lord Chancellor himself.

Q. We are not in the habit of seeing him.

A. If it is under cover with your report to the Lord Chancellor, he would get it.

Q. You wish this to go, under cover, to the Lord Chancellor ?

A. Yes.

10

Q. I believe you have not been quite well, since you came to London ?

A. I had some little complaint, I suppose from change of air, but I am better now.

Q. You did not find the change of water disagree with you, because sometimes it does ?

A. Yes, it does.

Q. I know, in Paris, I have always had a diarrhœa from the waters.

A. But I do not make use of much water, I do of Eau de Vichy.

Q. For a long time you have taken it ?

A. Yes. I was advised by an English Doctor to make use of that, and I found it agreed with me so well that I continued it.

Q. On your return from Russia, at Brussels, you were dangerously ill ?

20

A. And after that again in Paris.

Q. In Brussels, you had reason to suppose that it was the food that disagreed with you ?

A. It was something of the kind.

Q. Something in the food ?

A. No, not in the food ; I thought, coming from Russia, perhaps change of food.

Q. Difference of cookery perhaps ?

A. Yes.

Q. Were you ever ill at Brussels ?

A. I was more ill in Paris.

Q. Were there any persons in Brussels or Paris, about the time that those illnesses took place, whom you might have suspected ?

A. No.

Q. No persons were there at the time whom you suspected ?

A. No.

Q. In Paris, what was the cause of your illness?

A. Pain.

Q. Pain in the stomach and bowels?

A. No, in the liver, I thought; but it extended higher up than the liver.

Q. You were alarmingly ill, for some time, in Paris?

A. I thought I was very ill, and so did the doctor.

Q. What did the doctors attribute it to; did the doctors attribute it to any particular cause?

A. They described it in their way; they described the internal part of the body, the division
10 between the chest and the liver, had been affected.

Q. Did they suggest any caution to you as to diet, and so on?

A. They kept me without food for eight or nine days, and they bled me.

Q. The food has agreed with you very well here?

A. Oh yes.

Q. Had you any reason to speak to Mr. Mivart, or any of the persons in the hotel, about the diet when you arrived here?

A. I merely said, as they had so many things to attend to, that if he gave a general order that my food was looked after, I should be obliged to him.

Q. You said that to Mr. Mivart?

20 A. Yes.

Q. You did not like the cookery probably, did you?

A. They were in the habit of cooking not quite so fresh as I wished.

Q. They might put something improper if they were not cautioned; some of the seasonings are not always the most wholesome. You cautioned Mr. Mivart to take care that nothing was put into the food to disagree with you; no condiments?

A. I have had nothing to complain of yet.

Q. I thought you said you gave him a general caution?

A. That it was to be conveyed to me properly, not cold.

Q. Merely with regard to heat or cold, but not with regard to any sauces that they might
30 put into it?

A. No; in English cookery there is not much.

Q. I dare say there is a French cook here?

A. No, they put down for me plain English fare.

Q. You like that best; it agrees with you better?

A. It agrees with me better.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
3d Day.

Q. Did you not talk once of a desire to go to India?

A. Yes.

Q. Have you given up that idea?

A. If I cannot get leave I could not go.

Q. You take leave; you do not wait till it is given you?

A. I do not know whether, without the Lord Chancellor's order, I could.

Q. We thought, when we last parted from you, that you had an intention to go to India?

A. I could not.

Q. You got as far as Egypt?

A. Yes, but Egypt is not India.

10

Q. You could go if you chose?

A. I would not have run the chance without the Chancellor's permission.

Q. If you wished to go to-morrow you might go; your allowance is always paid to you?

A. When I come here I am obliged to get the special order of the Chancellor, and I suppose that India, being under the English Government, I should require the same.

Q. You might take the Chancellor's order in your pocket?

A. That is for coming here.

Q. For going anywhere?

A. Yes, if he gave me a general order.

Q. I do not think there is any limitation.

20

A. There is a limitation in this, as well as, when he authorized me to go to Dover and Brighton.

Q. When you left England last, you were not bound by any limitation?

A. I was not bound.

Q. You were afraid your person might be seized in India?

A. Did I tell you so?

Q. Yes; I thought you expressed a wish to go?

A. I did wish it.

Q. It was an understanding that you might go if you wished; I do not suppose the Chancellor would make any objection to your going to India if you wished it?

30

A. Then I had better apply to him for leave.

Q. I believe there has been every disposition on the Chancellor's part to give you every facility while you remain under his guardianship?

A. I should be fearful to venture without his permission.

Q. But as to licence with regard to the whole of Europe, that you take for yourself?

A. That I understand. It is for this very reason that in coming from Egypt I would not undergo quarantine when I touched at Malta. I was obliged to go to Marseilles and then return back to Italy; I made a circuit of several hundred miles.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
3d Day.

Q. Rather than go to Malta?

A. Yes, I touched there; I would not undergo my quarantine there.

Q. Where did you undergo quarantine?

A. Marseilles.

Q. It was possible the Committees of the person might have seized you at Malta?

10 A. Yes. The Lord Chancellor restricts me to London.

Q. Your coming here was in order to meet several persons, and it was necessary that a place should be specified?

A. I am not at liberty to come here without that; at least that is my idea of it.

Q. Dr. Southey does not think the Chancellor would refuse you leave to go to India.

A. I will apply to him.

Q. It was part of our recommendation that you should have everything you wished, short of complete emancipation at that moment.

A. If I am found to be of sound mind, then I do not require any order of the Lord Chancellor.

20 Q. Then you will be as free as anybody else?

A. Yes.

Q. Then all the affidavits that have been placed before us on the part of these several gentlemen, Mr. Frere, Dr. Drever, Captain Troup, and Mr. Solaroli, you would declare them to be entirely false?

A. Mr. Frere speaks to my disagreement with Prince Doria, I believe.

Q. Yes, he does.

A. And Captain Troup and others are about the legitimacy of the half Sister; those are utterly false.

Q. And what motives do you ascribe to them for originating those falsehoods?

30 A. As to them, there can be no doubt; as to the motives of others, I cannot say.

Q. We do not understand what the motive of Mr. Frere can be.

A. Is he not employed against me?

Q. He is employed by the Committee of the person.

A. Not at all; he is employed by Mrs. Dyce Sombre.

Q. He is employed by Mrs. Dyce Sombre against you?

A. Yes.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
3d Day.

Q. In order to injure you ?

A. I do not know about that ; he defends her.

Q. And that by falsehood, you think ?

A. If not by falsehood, by insinuations. If I asked Prince Doria for an explanation for some misconduct of his, that is my affair ; he must not attribute that to madness, which he does.

Q. Indeed we are in the dark about it.

A. We cannot enter into private affairs so publicly.

Q. We are all sworn to secrecy till we are called upon by the Chancellor ; we do not divulge anything that passes.

10

A. The best thing would be to call upon Prince Doria.

Q. That would be inconvenient in consequence of distance and time .

A. He has some friends and relations here.

Q. Are they in possession of it ?

A. I do not know ; it is likely.

Q. The offence was given at Rome ?

A. Which offence ?

Q. The offence of Prince Doria.

A. I did not say there was any offence ; I merely said that if I had reason to ask for some explanation of his conduct towards me, I thought I was justified in asking him.

20

Q. We think ourselves justified in asking what the nature of the offence was which he gave you ?

A. I have never said whether it was an offence or not ; it may be an explanation of some words.

Q. There must have been some substantive cause ?

A. Of course.

Q. You do not object to mention it ?

A. I have an objection.

Q. You were kind enough formerly to explain to us quarrels you have had with General Ventura, and so on ?

30

A. They occurred in England.

Q. You wish to seal up all that has taken place on the Continent ?

A. Yes.

Q. Was it in England or Rome that Prince Doria gave you offence ?

A. I merely said that I asked some explanation of his conduct.

Q. Where did that conduct take place? Was it in England or Italy?

A. In England.

Q. Before you went to Italy?

A. Yes.

Q. I thought it was in Hyde Park?

A. No: this took place in Rome. Rome is not in England. When I asked for his explanation, that was in Rome.

Q. The offence was given in London?

A. I never said whether there was an offence or not.

10 Q. It was something that required explanation?

A. Yes.

Q. And you demanded the explanation in Rome?

A. Yes; the first time I ever saw him after that occurrence.

Q. Had you seen him often before? Were you acquainted with him?

A. I was very well acquainted with him at Rome when I was there.

Q. On the former occasion, when you had been at Rome?

A. Yes.

Q. He refused to give the explanation?

A. I thought he did not behave like a gentleman; he did not tell the truth.

20 Q. That was quite a sufficient reason for your demanding an explanation, certainly; he did not tell the truth when you demanded the explanation?

A. No; he sent me an Abbé, a friend of his, who told a falsehood on his part. It was altogether a strange affair.

Q. It was quite plain that he did not mean to fight, from the ambassador that he sent?

A. I do not know whether an explanation would not have been enough; I did not wish him to fight.

Q. The explanation was not satisfactory, and there the thing ended, I suppose?

A. Yes.

Q. Did you ever meet him afterwards?

30 A. No.

Q. Was there any interference on the part of the Pope on that occasion? Did the authorities in Rome at all interfere to prevent bloodshed?

A. I believe the Abbé went to the Secretary of State, and he wrote to the Consul there.

Q. Was any communication made to you?

A. Yes; he wrote to me.

Examination
of Mr.
Dyce Sombre
Nov. 1848, '
3d Day.

Q. The British Consul?

A. Yes.

Q. What was the nature of the communication?

A. He merely explained that the Abbé had gone, on the part of Prince Doria, to the Secretary of State, to lay that before him, and the Secretary wrote to the Consul, warning him, and he advised me to be on my guard.

Q. Not to give further offence?

A. I suppose so.

Q. Did he threaten to send you out of Rome if you did anything of that kind again?

A. No.

10

Q. Did the warning refer to any personal threat against yourself?

A. I suppose to any personal combat we might come to. He might have thought that having told a falsehood, I would take the law in my own hands.

Q. I suppose it is very much like an information before a magistrate in this country?

A. Just so.

Q. They did not bind you to keep the peace, but they gave you a broad hint that if you did not take care they would send you out of Rome?

A. Yes.

Q. The Prince was peaceful?

A. Yes.

20

Q. He was not disposed to fight?

A. No.

Q. There is nothing more that you feel inclined to say about the affidavits, except that they are generally false?

A. All that have been put against me; they are all false.

Q. All those facts of extraordinary conduct?

A. All false. I have read the affidavits that were made by persons while I was living at Brighton: I cannot speak to their names.

Q. Is Mr. Pegg one of them?

A. He is the hotel-keeper; I know him; but the other women who gave their evidence, 30 I can swear that that is false. As I said the other day, one woman is made to say that I went and slept with her, and in the morning, under some pretence, I got away: I can take my oath it never occurred.

Q. The motive for getting up all those stories is what we would like to arrive at.

A. I suppose to keep me in Chancery.

Q. By some interested and hostile person?

A. Yes.

Q. You mentioned a dinner; who was at dinner with you? You mentioned Lord Combermere.

A. No: Mr. Mahon used to come in in the evening, and sit a few minutes.

Q. With Lord Combermere?

A. No, alone; and he was there that evening they accused me of this thing, because the next day I was told by my friend that there was a report of my doing such a thing last night.

10 Q. Was that the affair of the chambermaid?

A. Yes.

Q. It was said you locked her up in your room?

A. It was said that I locked her up in my room. As soon as I returned from my drive after dinner we both went out together for a few minutes, and after that I returned home, and went to bed, so that it could not have happened then.

Q. You had a large dinner party one day; who dined with you?

A. Lord Downshire.

Q. Who else?

A. His wife.

20 Q. Who else?

A. I do not remember.

Q. Lord Combermere?

A. No; he had left.

Q. There were some other ladies?

A. There was his sister.

Q. Who is that?

A. Lady Charlotte Chetwynd.

Q. Was Mr. Mahon of the party?

A. No: and there was Mr. Glynn, who I was talking of the other day; he was there.

30 Q. That is the gentleman who was in India?

A. Yes.

Q. When did the Begum die?

A. In 1836.

Q. How long was that before you came to this country?

A. I arrived here in June 1838; but I was kept more than 12 months in Calcutta by a lawsuit.

Examination
of Mr.
Dyce Sombre,
Nov. 1843,
3d Day.

Q. That was with your Father ?

A. Yes.

Q. What we call in England an amicable suit, was it not ?

A. It was something like this ; it was got up against me.

Q. Some sort of conspiracy ?

A. No ; he demanded his arrears of pay for nine years.

Q. How could you be answerable ?

A. Only I was the Begum's heir.

Q. He wanted to make you pay that ?

A. He wanted me to pay that.

10

Q. How was it settled ?

A. It was compromised.

Q. But it was an affair got up very much as this affair in England has been done ?

A. Very like it ; because sometimes he has said he wanted pay for nine years ; sometimes he said he had a claim against the estate, which the East India Company had at that time.

Q. Was it the Begum's estate, or was it his own estate ?

A. He called it his own, but he never had possession of it.

Q. It was a conspiracy, in fact ?

A. No, not altogether ; he did fancy it, and he was supported by some.

Q. The East India Company were never friendly to you ?

20

A. I think they have not behaved well in the demands that I had against them.

Q. Has any one of them more than another behaved ill ?

A. I think Sir Richard Jenkins used to take a very leading part in it.

Q. He was more hostile to you than the other directors ?

A. I thought he took on himself more than the other directors.

Q. They kept back property ?

A. I have three distinct claims : I made them over to the Queen of England.

Q. Three claims which they have defrauded you of ?

A. Yes.

Q. Have you conveyed your right over to the Queen ?

30

A. Yes.

Q. By a formal deed ?

A. By a letter of my own.

Q. Is that recently ?

A. No.

Q. To whom was the letter addressed ?

A. To Her Majesty ; but I received an answer from Mr. Anson, in which Her Majesty said she could not interfere much in it.

Q. That she would interfere a little, but not much ?

A. I did not take it in that light ; I thought she would consult her Ministers.

Q. And they would make some compromise ?

A. Yes.

10 Q. Was the sum a large one ?

A. Yes, very large ; the estate yielded 10,000 l. a year from the time the Begum died.

Q. And they defrauded you out of that ?

A. Yes, that is one ; and then the military store that they have taken away without paying for it ; there was some part of it bought from their own magazines.

Q. When the Begum died they took it away ?

A. Yes.

Q. It was her private property ?

A. Yes. I sent a valuation of them, which amounted to 49,000 l., but the Company's officers say it is worth 70,000 l. The servants were guaranteed to have pensions given
20 them after her death, which they have not done.

Q. That is not fair ?

A. No.

Q. Pensions that were guaranteed to the Begum's servants ?

A. Yes, amounting to 9,000 l. a year.

Q. And which you believed the Company had a right to pay, and they believed that you had a right to pay ?

A. They refused ; they say that the Begum was rich enough.

Q. They set you at defiance ?

A. Yes ; but I believe they pay about 2,000 l. a year.

30 Q. To the servants ?

A. The public servants.

Q. The public servants of the Begum ?

A. Yes.

Q. The Company seem to have driven a very hard bargain, for they seem to have taken possession of a great deal of property which belonged to you or the Begum, property which, under the Begum's will, belonged to you.

A. This estate, and the military stores.

Examination
of Mr.
Dyce Sombre,
Nov. 1848.
3d Day.

Q. On what grounds did they take possession of the estate?

A. They could not give me any explanation; I have all the correspondence; they merely say that I have received an answer in India by the Indian Government: the Indian Government do not enter into it, but only tell me to prove it.

Q. It is the right of the strongest, in short?

A. Certainly. About the military stores there can be no doubt, as well as the others.

Q. The Begum used to receive the rents from this estate, which you do not receive any from now?

A. The Begum gave me the estate in her own lifetime, which she thought she had a right to give away.

10

Q. £. 10,000 a year?

A. Yes; she gave it away in her lifetime to me.

Q. Did you ever receive anything from it?

A. A few years I received that sum.

Q. On her death the Company took it from you?

A. Yes, as well as the rest of her territory.

Q. You have remonstrated?

A. Yes.

Q. And made appeals without success?

A. Yes.

20

Q. You think that if they had done you justice you ought to have had it?

A. Yes.

Q. You think you had personal enemies amongst the directors, who would interfere to prevent your having justice done you?

A. It was in India that the suit commenced.

Q. The suit commenced on your part for restitution?

A. Yes; they would call it a suit if I had gone to law about it; but I merely presented my case to the Government, and there it was I thought that the hostile feelings existed.

Q. In India?

A. Yes.

30

Q. Was Sir Richard Jenkins out there at that time?

A. No.

Q. He was at home at that time?

A. I believe he was, I will not be sure.

Q. But the hostile feeling existed on the part of some persons?

A. Some of the authorities, I thought.

Q. Did you speak to any individual among them?

A. I know the parties.

Q. You know the parties who were hostile to you?

A. Yes.

Q. They ought to be held up to public execration?

A. Yes.

Q. You will not have any objection to mention them?

10 A. I have very great objection.

Q. You are more considerate and kind than I should be. They are merely suspicions?

A. Such things have never any proof.

Q. They do not admit of full proof?

A. No.

Q. But still your suspicions have been so grounded as to amount to it?

A. I have heard avowals of it.

Q. Did any of those parties afterwards come to this country, and get into the direction here?

A. I know several of the Directors who have been in India.

20 Q. Who were there at that time?

A. Yes.

Q. Were they all mixed up in this?

A. I do not think they are aware of all the circumstances, at least in India they did not, because some of them are military men.

Q. It would be among the civilians that it would be done?

A. Yes.

Q. You were not rich in friends at the India House?

A. No.

REPORT OF THE PHYSICIANS ON THE FOURTH EXAMINATION OF MR. DYCE SOMBRE.

My Lord,

London, November 18, 1848.

Report of the
Physicians
on 4th
Examination
of Mr.
Dyce Sombre.

IN obedience to your Lordship's order the undersigned have had three long interviews with Mr. Dyce Sombre in order to ascertain his present state of mind.

On the first day, Mr. Sombre having expressed a wish that a short-hand writer should be present at our examinations, as he entertained doubts of the accuracy of some statements in the last report of Drs. Bright and Southey, it was thought advisable to acquiesce in his wishes.

Mr. Sombre admitted that he had been under a delusion respecting his Wife's conduct, 10 and stated that he had changed his opinions in consequence of the assurance of so many persons that there were no grounds for his suspicions. He gave a different date to this change of opinion from that which he named in his examination at Brighton, and his manner in making this admission was by no means calculated to impress us with a conviction of his sincerity; but giving him the full benefit of his own statement, we have had abundant proof that on other subjects his mind is far from being in a sound state.

He mistakes the creations of his own fancy for facts, and reasons upon them accordingly; for example, when asked to explain certain allegations made in the affidavits from Brighton, he stated that Sir Richard Jenkins was employed there to collect evidence of his insanity, and that Lord Combermere had told him so in the presence of the Marquis of Downshire. 20

His conduct with respect to Lord Ward is most extraordinary. He told us that he had been introduced to Lord Ward in 1838 at Lord Shrewsbury's; that he afterwards met him at Rome several times; that he had then no doubt of his identity; and that he offered him a gratuity of 200*l.* if he would undertake to arrange with Tadolini for the Begum's monument: he added, that Lord Ward thought the offer a very handsome one, and only refused it because he doubted his having the power to give it. As Lord Ward has denied all knowledge of Mr. D. Sombre, it is clear that Mr. Sombre must have mistaken him for some other person, or that the whole transaction is a matter of imagination.

When asked for the grounds of his belief that his Sister, Madam Solaroli, was illegitimate, his answers were very characteristic of his state of mind. At first, he said that it was 30 a matter of notoriety at the Court of the Begum; that she used to hint at it, and that everybody knew it; yet afterwards, he allowed that this common report had not impressed his own mind, and that when he settled 20,000*l.* upon her, he considered her to be his legitimate Sister. Some months after this settlement, his Father told him (as he says) in the presence of Mr. Solaroli, at Calcutta, that Madame Solaroli was illegitimate.

It might be supposed after this declaration that Mr. Sombre could have entertained no further doubt upon the subject ; but he afterwards said that he was never quite satisfied till the late Lord Metcalfe, just before he went to Canada, made a solemn communication to him, not to be divulged till after his (Lord M.'s) death, that Madam Solaroli was not legitimate. From the affidavits it appears that Lord Metcalfe denied all knowledge of the subject to Mr. Prinsep. But the most remarkable assertion of Mr. Sombre is yet to come.

Report of the
Physicians
on 4th
Examination
of Mr.
Dyce Sombre.

He told us that in 1844 he had heard Mr. Glynn, of the East India Civil Service, declare in the open Court of Chancery here, that Madame Solaroli was illegitimate. The affidavits filed in this case prove clearly that Mr. Sombre has no ground for doubting the legitimacy
10 of his Sister, and the assertion respecting Mr. Glynn must be altogether a delusion.

On the subject of his quarrel with Prince Doria, Mr. Sombre would give us no explanation ; and in the third examination he was much more guarded in his answers, which we ascribed to his having procured a copy of the short-hand writer's notes of his former examinations. From the whole tenor of his conversation and manner we regret to find that no improvement appears to have taken place since Mr. D. Sombre was last in England ; on the contrary, Drs. Bright and Southey think that he is more obviously unsound in mind than when they last examined him, and the undersigned are all of opinion that he is quite unfit to be trusted with the management of his own affairs.

We have the honour to be,

My Lord,

Your Lordship's faithful Servants,

J. BRIGHT.

H. H. SOUTHEY.

JAMES CLARK.

JAMES R. MARTIN.

To the Lord High Chancellor,
&c. &c. &c.

MR. DYCE SOMBRE TO THE LORD CHANCELLOR.

Paris, Hôtel Normanby, Rue St. Honoré, No. 323,
12 January 1849.

Mr.
Dyce Sombre
to the Lord
Chancellor.
12th January
1849.

My Lord,

I HAVE the honour to enlose your Lordship copy of a letter of mine to your Lordship's address, dated the 6th November last, while I was in London. I entrusted it in the hands of the examining Physicians, for the sake of delivery, in order that they should send it with their report; but since the report makes no mention of it, I, to satisfy myself, send your Lordship a copy, marked "No. 1."

To begin with the Report dated the 18th November 1848: The Physicians' first remark is, "He gave a different date to this change of opinion (respecting Mrs. Dyce Sombre) from 10
"that which he named in his examinations at Brighton." Now, my Lord, this is utterly false; I stated this fact in my examinations at Dover in 1846, and not at Brighton, which was the year following; but they (Drs. Southey and Bright) having kept back from their report this statement, they assert this now, that this was first communicated to the Physicians I had called in in Paris. Will either of these gentlemen deny this? If he does he must have a brazen face to show to the world.

The Physicians further proceed in their report: "When asked to explain certain allegations made in the affidavits from Brighton, he stated that Sir Richard Jenkins was employed there to collect the evidence of his insanity, and that Lord Combermere had told him so in
"the presence of the Marquess of Downshire." 20

Will not the following letter from Lord Combermere prove that what I had stated I had sufficient grounds for asserting this, and not what they say, that "He mistakes the creations
"of his own fancy for facts, and reasons upon them accordingly." The letter is dated from

"Dear Sir,

"Combermere Abbey, 10th December 1848.

"I AM delighted at hearing that Colonel Dyce Sombre is likely to succeed in establishing his just claim to being considered perfectly sane; and that he will be restored to his liberty and property is my most sincere and earnest wish.

"The suggestions I wrote in a hurried way a few days ago may be shown, as well as my letter, to the medical men.

"Colonel Dyce Sombre is quite correct in saying that at Brighton (and he might state on 30
"other occasions) I strongly recommended him to be very circumspect in his conduct, for
"that he was watched by the opposite party (who employed people for the purpose), by whom
"the slightest indiscretion would be exaggerated and brought against him. If I did mention any names, I did so in strict confidence. I shall be in London for a day or two in
"January, and shall be glad to inform the medical men as to my opinion of the Colonel,
"whom I have known well and have seen so much of since the year 1825.

(signed) "COMBERMERE."

This letter is to Mr. Mahon, who, your Lordship knows, had charge of my affairs in England. His Lordship says that, if any names are mentioned they were told in strict confidence; but, having heard this mentioned in the presence of several parties, I never thought, my Lord, that this was said in confidence. But to come to the point: in either case it cannot be called what these gentlemen wish it to appear, a delusion which originates from my own brains.

Mr.
Dyce Sombre
to the Lord
Chancellor.

It would be a grave charge for me to bring against Sir Richard Jenkins, for I have no proof of what I am going to state beyond what I say. It is very strange that I should have met Sir R. Jenkins the very day I was leaving England after a stay of ten weeks, and that
10 he should have come in the same steamer to Boulogne with me. We had not met for a number of years, and I thought he made advances for me to speak to him. I avoided; but still if he wanted only to refute what I have here established, which he must have seen in the public prints, he could have contradicted it in the same manner, or spoke to his friends on the subject, who were on board the same steamer with us.

But this is not all, my Lord. I remained two days at Boulogne, and although my servants had strict orders to guard my luggage, yet in changing the railway carriages two of my boxes were sent on in a different train, one of them containing some jewellery to the value of several thousand francs, and I have heard nothing of them since. I impute nothing in this against Sir Richard Jenkins than this, that I would not be surprised to hear if he has been
20 the cause of my losing these. I hope the boxes are not lost, but still the circumstances have given me a great deal of annoyance.

The report further remarks, "With reference to his conduct towards Lord Ward is most
"extraordinary. He told us that he had been introduced to Lord Ward in 1838, at Lord
"Shrewsbury's; that he had afterwards met him at Rome several times; that he had then
"no doubt of his identity; and that he offered him a gratuity of 200 l. if he would under-
"take to arrange with Tadolini for the Begum's monument. He added, that Lord Ward
"thought the offer a very handsome one, and only refused it because he doubted his having
"the power to give it. As Lord Ward has denied all knowledge of Mr. Dyce Sombre, it is
"clear that Mr. Sombre must have mistaken him for some other person, or that the whole
30 "transaction is a matter of imagination."

Although, before entering into answers required by the examining Physicians, I had stated how this occurred, yet I see in their report they have left the explanation out, yet have treated the transaction as a piece of hallucination on my part. I shall therefore briefly lay all the particulars of the case before your Lordship for your judgment, which the short-hand writer's notes will also corroborate, and of which Dr. Southey has a copy, which he took from the short-hand writer in your Lordship's name.

In the early part of 1847, while in Paris, I was told that when at Rome I will meet with the same Lord Ward who I had known there before, and that I was sure to find difficulties in having the Begum's monument removed, which was nearly finished, and if so I could not
40 do better than to employ Lord Ward in having it removed to its destination, which he will undertake if I made it worth his while, for he was in very low circumstances just now. I went to Rome in December following, and I certainly found difficulties in coming to some

Mr.
Dyce Sombre
to the Lord
Chancellor.

settlement with Tadolini about the monument, and I certainly saw the same Lord Ward also, or rather who I had taken for Lord Ward some years before; but as I had lost sight of him for years I waited till I found him one day alone, at a library, when I spoke to him on the subject of this monument. He kept on the incognito, for I had addressed him as "Lord Ward," but he considered the offer I had made to him an handsome one, viz., 200*l.*, but observed, since I had no power over these affairs, he could only undertake it if your Lordship authorized him, or the manager of my estate was to write to him on the subject. This I did, and Mr. Larkins communicated it to Mrs. Dyce Sombre through her solicitor, Mr. Frere; for Lord Lyndhurst, for some cause or other, had entrusted the finishing of this monument to her care; and this remained until I went over to England in October last, 10 and whilst one day walking in Hyde Park with a friend, to whom I had related this story, he pointed out to me the veritable Lord Ward, and asked me if this was him; I immediately said "No; he is quite of a different make." This awakened my suspicions, and when under examination by the Physicians I related them this story, which also can be testified by the short-hand writer's notes. Nothing can be more probable that this might have occurred, but still these gentlemen persist in their grave report, and have made it out a decided delusion. Such are the facts, my Lord, and such are the Physicians who have reported on my case. Can any of these gentlemen deny that I had not mentioned the whole of this statement before them all. If they can do that, they must have a strange conscience to answer with. 20

The Physicians next proceed: "When asked for the grounds of his belief that his Sister, "Madame Solaroli, was illegitimate, his answers were very characteristic of his state of mind. "At first he said that it was a matter of great notoriety at the court of the Begum; that she "used to hint at it, and that everybody knew it; yet afterwards he allowed this common "report had not influenced his own mind, and that when he settled 20,000*l.* upon her, he "considered her to be his legitimate Sister."

"Some months after this settlement his Father told him (as he says) in the presence of "Signor Solaroli, at Calcutta, that Madame Solaroli was illegitimate."

"It might be supposed that after this declaration, that Mr. Sombre could have entertained "no further doubt upon the subject, but he afterwards said that he was never quite satisfied 30 "till the late Lord Metcalfe, just before he went to Canada, made a solemn communication "to him, not to be divulged till after his (Lord M.'s) death, that Madame Solaroli was not "legitimate."

"From the affidavit it appears that Lord Metcalfe denied all knowledge of the subject to "Mr. Prinsep."

There can be no doubt as to the notoriety of this subject, which I shall lay before your Lordship for your consideration.

It is well known to many now living and residing in several parts of England, that H. H. the Begum Sombre had taken me, soon after my birth, to reside with her at her palace, and that the two Misses Dyces, who lived with the Father, only came under her care after 40 Colonel Dyce's wife's death; this occurred in 1820, while I was at school. The Begum gave them a palace to reside in, where their Father lost his service, and they were not called into

the place where she resided herself until within a few weeks of their marriage. True it is that she was allowed to remain with the real Miss Dyce as her playmate; yet the extraordinary fact of her not being baptized will throw a great light on the difference of their treatment, which was only done within a few days of her marriage, and while both myself and Mrs. Troup were baptized within a few days after our births.

Mr.
Dyce Sombre
to the Lord
Chancellor.

But all these facts, my Lord, are put beyond a dispute, for in 1843 Sir Charles Metcalfe (who became, soon after, Lord Metcalfe), who had known our family upwards of 30 years, voluntarily told me, as the last favour he could make, as to putting my mind at rest with respect to Madame Solaroli's marriage, that she was an illegitimate child of my Father's out
10 of a mistress, and, consequently, that neither she nor her children could ever be considered, even in case of the other Sister's death, either my heir or next of kin, by our laws of Christianity. Nor does Mr. Prinsep deny this, though stated so in the report, but, on the contrary, he asserted the other day, in my presence, as well as in the presence of Dr. Paris, president of the Royal College of Physicians, as well as the other five doctors who have made a second report on my case, and which ere long must have been presented to your Lordship, "that he himself had no doubt of Madame Solaroli's illegitimacy; as to report, he had heard
20 "stated from Lord Metcalfe and others saying of her"—literally.

Entering into the point of settlement of 20,000*l.* upon her. It is true enough that up to that period, or even later, as just explained, though I might have had doubts, from
20 the manner in which illegitimate children are brought up in the family even of some of the Europeans. I may mention a case of Colonel Lumsden, whose natural children were brought up with the children of his Wife, and under her own charge, and of whose respectability there could be no question about; but since no positive proof of Madame Solaroli's illegitimate birth I could come to (but sometime after) my Father told me that she was only a natural child of his by another mother. It was then too late, for our families had been separated, according to the wishes of the Begum, as well as my own inclinations. I did not take much trouble about it, and thought of it no more until it became a matter of question, in case I died intestate, who would inherit the property. The above declaration of my Father was made in the presence of Signor Solaroli, at Calcutta. Such being the case, it becomes a very serious
30 question, for it not only throws doubts on my sanity, if not explained as above, but involves the serious question of inheritance. This, of course, lays heavy on my mind, and I implore your Lordship that you will have this thoroughly investigated before yourself, as an act of justice which I am bound to expect from your Lordship's impartiality.

For instance, my Lord, I do not see the justice of the proceedings in this. Surely there are letters both from Mr. William Byam Martin as well as from Sir Charles Trevelyan, his Assistant, on the subject, but neither of them appear to be in the form of affidavits, and consequently not sworn to. As this is a case of some magnitude, these letters, in their present state, ought not to be taken as evidence.

It is a source of great grievance, and of which I have to greatly deplore, that the solicitor
40 in this case does not produce me all the papers connected with it; he produces me such papers as he thinks proper, and the rest he keeps away. Such being the case, my Lord, I have been obliged to resort to Mr. Mahon again since the 13th of December last, and

Mr.
Dyce Sombre
to the Lord
Chancellor.

therefore I have to beg of your Lordship that you will be pleased to order that no bills, either for payment of Mr. Rolt or any other barrister or solicitor (Mr. Shadwell as well), should be paid out of my estates.

One more observation on the report, and then I have done with it. In the course of these examinations Dr. Southey asked why I did not go to India, and whether I wished to go there at all. I replied, having been now some time in Europe I should very much wish to re-visit India, but that it would be very awkward as well as disagreeable to me to go there and to have no control over my property; and that if I am not to be heard by the Authorities, as the case is here, it would be still more disagreeable. To this Dr. Southey said that he would report to your Lordship in his way. What this meant I could scarcely under- 10 stand. Dr. Southey prohibited the short-hand writer from making his notes of this latter part of his conversations, though he allowed the other part to be noted down.

Thus far, my Lord, the report of November 1848. I now come to lay some other facts Lordship, which you ought to be made aware of.

First of these is a meeting which took place between myself and Mrs. Dyce Sombre at Mr. Martin's, in Grosvenor-street, in the presence of Mr. Martin and Sir James Clark. This meeting took place at the earnest desire of Mrs. Dyce Sombre herself, and as I took notes of them soon after my return home, I send them for your Lordship's perusal, marked "No. 2."

2dly. I proceed to the partial accounts furnished to me by Mr. Larkins. He generally 20 states that from 13th September 1847 to 13th December 1848, I had received 8,818*l.* 5*s.*, and—but he forgets that out of this sum 1,500*l.* have been paid in this year's account commencing from 8th September last.

But this is not all, my Lord. I have greatly to complain, and protest against the accounts not being furnished to me; thus, for instance, I have received 7,318*l.* 5*s.* as the balance of my unappropriated income. Mrs. Dyce Sombre, by your predecessor's order, receives 4,000*l.* more, say 1,000*l.* more spent in pensions and estates in India; where does the rest go? My income was 16,000*l.* per annum clear before any part of my property was invested in railway shares; since it has to the extent of 65,000*l.* been put in railway shares, they ought to give me an increase of 1,300*l.* more per annum, thus leaving a balance of 4,981*l.* 15*s.* 30 yet to be accounted for. This, I trust, your Lordship will order that they should be furnished with all the particulars, and that there should be no deductions on account of any bills either on account of Mr. Shadwell or Mr. Rolt, or a solicitor of the name of Smyth, who I employ here, whenever there is need of affidavits, but who, instead of settling with me, sends them to Mr. Shadwell for payment.

3dly. This same thing occurred the other day in London. I was ready to pay Dr. Martin's fees for his attendance, at the consultations, at the same rate your Lordship allows the other two Physicians' fees. I presume that Sir James Clark is paid by Mrs. Dyce Sombre; but Mr. Shadwell interfered, and the fees were paid out of my estates; what they were I have never been told. Now, my Lord, your Lordship's orders were that I was to 40

receive the whole of my surplus income without any deductions whatsoever, excepting the charges for looking after the property ; this is not acting up to the wording of your Lordship's order, dated the 8th September 1847, for I am thus loser to the amount of nearly 5,000*l.* without knowing what they are for, nor can they be all for law expenses.

Mr.
Dyce Sombre
to the Lord
Chancellor.

4thly. In order to show your Lordship the encumbrances I lay under, on account of these inquisitions, I send you a copy of an agreement entered into by me with Mr. Mahon, marked "No. 3," and an award given by mutual friends, marked "No. 4." The agreement will at once show that I had nothing to pay to Mr. Mahon, yet that I thought as he had worked for me, I was ready to pay his actual expenses, and was ready to abide by the judgment of
10 the arbitrators ; but, strange to say, that though they looked into all the documents, yet they do not give any potent reasons for awarding upwards of 2,100*l.* to be paid by stalments to Mr. Mahon out of my curtailed allowances. I call them curtailed, for though they may appear large on paper, yet if I am entitled to all, why should I receive a part only?

5thly. I have already trespassed too long on your Lordship's valuable time, but I have only just one more observation to make ; that is, that while I was in London last month, I received some linen, a box of books, and a cabriolet, sent to me from Mrs. Dyce Sombre's custody, yet I have not received the marble bust of the Begum, nor her signet seal, nor the two pictures I so much value. The rest of the things she has of mine, a list, from a copy of an inventory, has been furnished her, and your Lordship will be pleased to pass an order on
20 it, as well as give your instructions on all the grievances I complain of in this letter, as well as the last.

I have the honour to remain,

Your Lordship's most obedient humble Servant,

D. O. DYCE SOMBRE.

The Right Honourable Lord Cottenham,
The Lord High Chancellor.

LETTER from Lord COMBERMERE and others addressed privately to the
LORD CHANCELLOR.

My Lord,

London, Jan^y 18th, 1849.

Letter
from Lord
Combermere
and others to
the Lord
Chancellor.

THE undersigned Noblemen and Gentlemen having heard of your Lordship's order, dismissing the petition of Colonel Dyce Sombre for a supersedeas of the commission of lunacy against him, beg to state that they are informed that the counsel of Colonel Dyce Sombre were not in possession of most important and material evidence upon that occasion; viz., the unanimous medical report, accompanying this letter, of the following distinguished medical gentlemen:—"John Ayrton Paris, Pres^t Coll. of Phys.; Tho^s Mayo, M. D.; Alex^r Morison, Physician of Bethlem Hosp.; Ja^s Copland, M. D.; Robert Ferguson, M. D.; W^m B. Costello, 10
"M. D.;" and to that report we implore your Lordship's attention and judgment.

We positively affirm that Colonel Dyce Sombre never showed the least symptom of insanity before his marriage. That he is, like most natives of Hindostan, of a very jealous disposition, and also (though naturally a good-natured and quiet man) passionate when roused, and treated Mrs. Dyce Sombre in a manner quite un-English, though justifiable in Hindostan, when a woman is suspected of infidelity. Some of the undersigned, who are acquainted with Mrs. Dyce Sombre, are of opinion that her manners are such as to kindle unpleasant feelings in a breast less susceptible than that of Colonel Dyce Sombre's, and should make allowance for conduct towards Mrs. Dyce Sombre which, in all probability, may never be experienced again, inasmuch as he is determined never to cohabit with her. 20
The object of keeping him under the special control of the Court of Chancery was (so Lord Lyndhurst informed Lord Combermere) the protection of Mrs. Dyce Sombre. This might be obtained by a deed of separation, which Colonel Dyce Sombre would at any time sign, and find security for his abstaining from, in any way, molesting Mrs. Dyce Sombre, to whom a liberal allowance would be given.

As to the competency of Colonel Dyce Sombre to manage himself and his own affairs, we do not only refer your Lordship to the accompanying medical report, but we would also respectfully refer you to affidavits filed within the last few days, and assure your Lordship of our firm conviction of his ability to conduct all his pecuniary matters with as much care and discretion as any acquaintance of ours. 30

As the friends of Colonel Dyce Sombre, and advocates of public justice, we should (but for their great length) also beseech your Lordship to peruse the short-hand writer's notes of the examinations of the 1st, 2d and 6th of November last, under which the report of your

Lordship's medical advisers was made, and by which they affirm the insanity of Colonel Dyce Sombre; and we should trust that, in your wisdom and kindness, you would contrast those notes with the medical report of Dr. Paris and the other physicians, accompanying this letter, who, your Lordship will see, are unanimous in affirming their conviction of Colonel Dyce Sombre's sanity and capacity to manage his affairs.

Letter
from Lord
Combermere
and others to
the Lord
Chancellor.

COMBERMERE.

DOWNSHIRE.

SHREWSBURY.

FRANCIS CHARLES KNOWLES, Bart.

V. F. HATTON, V.-Admiral, R. N.

EDW. BERE, Bt. Major, h. p., 15th Hussars,
late 16th Lancers.

HENRY A. SMYTH.

10

The following was enclosed :—

To the Right Honourable the Lord Chancellor, &c. &c.

Treasury, Whitehall.

I CONSIDER it due to Mr. Dyce Sombre to state my belief that he never exhibited any symptoms of insanity before he married, and that the painful circumstances which have since occurred, are mainly to be attributed to the excitement caused by the remarkable contrast
20 between his Asiatic habits of mind, and the new situation in which he was placed. I entertain no doubt of his being perfectly competent to the management of his affairs.

26 Jan'y 1849.

C. E. TREVELYAN.

STATEMENT and Opinion on the Case of Mr. Dyce Sombre, privately communicated to the Lord Chancellor by Dr. Costello, Principal of Wyke House, on the part of the President of the College of Physicians, and others.

My Lord,

Mivart's Hotel, 24 December 1848.

Opinion of
Dr. Paris, and
others.

WE, the undersigned, have been called upon to examine the present state of Colonel Dyce Sombre, with respect to the soundness or unsoundness of his mind. We have had repeated interviews with him, and five consultations with each other.

The decided impression produced on our minds by these interviews is, that they have not furnished us with any evidence whatever that he labours under unsoundness of mind. We have each of us been struck with the remarkable calmness, self-possession, and consistency with which he has undergone our scrutiny, though evidently fatigued and pained by the repeated visits and cross questionings to which he has been subjected. These qualities, as exhibited by Colonel Dyce Sombre, have strengthened the above conviction, aware as we are of the occasional power of insane persons to elude and baffle inquiry. 10

We have examined the grounds afforded us for arriving at a conclusion on this subject by the reports presented to your Lordship, August 5th, 1847, and November 18th, 1848, the first by Drs. Bright and Southey, the second by Drs. Bright and Southey, Sir James Clark, and Mr. Martin, and we have carefully perused the depositions taken by a shorthand writer of conversations with Colonel D. Sombre, on which the latter report is founded.

We notice and entirely concur with these gentlemen in their admissions of the competency displayed by Colonel Dyce Sombre to manage his property. It is indeed admitted 20 in the report of your referees in 1847, that "they entertain no doubt of this competency, and that if he were entrusted with the surplus of his unappropriated income, one great source of uneasiness would be removed." And the report of November 1848 does not afford any evidence to invalidate that prior opinion of your Lordship's referees.

It is however stated in the report of November 1848 that the Colonel "is now obviously more unsound in mind than when your referees examined him in 1847." The first thing that strikes us in the opinion thus expressed in that report is, that it is founded on his entertaining certain questionable notions, and having committed certain irregularities, all of which we contend might be admitted without justifying the conclusion that he is insane. 30 While we feel that these opinions of your referees might be put aside on the ground that they do not involve any proof of insanity, we have nevertheless examined the principal circumstances on which they are founded in reference to the question how far they may indicate immoral habits and an ill-regulated mind. Something of this kind might doubtless be expected in Colonel D. Sombre, considering the influence of his early education, of his Asiatic prejudices, and the peculiar circumstances with which he has been encompassed from his infancy. In the points however which we have thus examined, the conduct and expressions of Colonel D. Sombre admit of an interpretation which might rescue

them from the charge of insanity, even with those who consider inaccuracy and indelicacy to be incompatible with mental soundness.

Opinion of
Dr. Paris, and
others.

The circumstances to which we have given our attention in the above point of view are as follows :

Firstly, The commission given by Colonel D. Sombre to Lord Ward at Rome ; secondly, The opinions entertained by him respecting Madame Solaroli ; thirdly, His quarrel with Prince Doria ; fourthly, His suspicions of conspiracy and designs against him ; fifthly, Indecency ; sixthly, Jealousy.

First. With regard to the affair of Lord Ward, our opinion is, that a hoax was played
10 upon Colonel D. Sombre, which would not have deceived an English gentleman, but might easily deceive a foreigner unacquainted with the high standard of English nobility. It is to be observed that on arriving in England, and being shown the veritable Lord Ward, Colonel D. Sombre at once renounced the belief which he had entertained.

Secondly. With respect to Colonel D. Sombre's notions on the illegitimacy of Madame Solaroli, that they have some foundation in fact has been variously proved to us ; first, we have a letter by Major Bere, of Her Majesty's Hussars, in which it is affirmed that the illegitimacy of Madame Solaroli was an admitted and known fact ; secondly, we have a letter from Mr. Prinsep which makes it clear that whereas your Lordship's referees impugn the veracity of Colonel D. Sombre on this point, his accuracy alone is in question.
20 Mr. Prinsep states in that letter that your Lordship's referees report the substance of what passed between him and Lord Metcalfe on this subject, to use his own terms, "very unfairly." With respect to the following question put to Colonel D. Sombre by one of the referees on this subject: "In the face of your suspicions, how came it that in the instrument settling 20,000 *l.* you permitted her to be called your lawful Sister?" The different ideas attached by an Englishman and an Asiatic to the word lawful is strangely overlooked. "In native families," Colonel D. Sombre answers, "these things are considered nothing."

Thirdly. The quarrel with Prince Doria. We learn from Colonel D. Sombre that when under restraint he rode in Hyde Park in a carriage with a keeper, and that a person whom he recognised as Prince Doria treated him with derision, and evinced a menacing
30 manner towards the carriage with a whip, an insult for which he afterwards called the Prince to account in Rome, when he was assured that the Prince was not in England at the time of his supposed assault. That some one *did* stare and laugh at seeing Colonel D. Sombre with his keeper is by no means improbable, and that Colonel D. Sombre should have thought he recognized the said party as Prince Doria can be regarded, if the Prince's statement be received as true, as only a mistake. The referees indeed admit somewhat singularly that "*this was either an hallucination or a mistake.*"

Fourthly. It is not unnatural that Colonel D. Sombre should consider himself the object of a conspiracy, and constantly watched, for the purpose of detecting unsoundness of mind, seeing that he was apprised of this fact by his friends. For instance, in a letter from Lord
40 Combermere to Mr. Mahon the following passage occurs: "Colonel D. Sombre is quite "correct in saying that at Brighton, and he might state upon other occasions, I strongly "recommended him to be very circumspect in his conduct, for that he was watched by the

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“adverse party who employed people for the purpose, by whom the slightest indiscretion would be exaggerated and brought against him.” The letter from which this is an extract dates from Combermere Abbey, December 10th, 1848. Again, with respect to his suspicions of the hostility of the East India Company, on the ground of his presumed pecuniary claims, we are satisfied, from documents which we have examined, that these suspicions might, under the circumstances of the case, arise in a very sound mind.

Fifthly. The charge of indecency connected with General Ventura was entered into by us minutely in a conversation with Colonel D. Sombre, and we have read the copy of a letter from Mr. Prinsep on this subject. It appears to have originated in a fracas arising out of antecedent matters, and conducted in gross and indelicate language, but not unconformably with Eastern manners. The referees state that Mr. D. Sombre affirmed he was invited by General Ventura to expose his person to his daughter. The referees have thus given undue weight to a common and very gross Hindostanee phrase used by General Ventura as expressive of his contempt, and by accepting a literal translation, have unwittingly distorted the true meaning. The collision was carried on, and mutual recriminations were resorted to in Asiatic slang. The Brighton stories of a water-closet door left open, and maids shut up in a bedroom, we dismiss as unworthy of the grave question before us.

Sixthly. Jealousy.—In order to arrive at a just conclusion as to the present condition of his mental faculties on this point, we are bound to consider the influences of early education, of his Asiatic prejudices, and the peculiar circumstances by which he has been encompassed from his infancy, born in a Harem and accustomed to its habits up to his thirtieth year. Jealousy of women is an overwhelming passion of the Oriental mind, and seems in a high degree to have existed in his. This fact, as well as some other circumstances tending to excuse and explain the jealousy of Colonel D. Sombre, are conveyed in a letter from Lord Combermere, to which we feel it necessary to refer your Lordship; with the strong opinion expressed in this letter, and the other antecedents, our task in explaining the jealousy of Colonel D. Sombre into the ordinary operations of the human mind, under his circumstances, becomes an easy one.

Thus far we have proceeded under an assumption, against which however we protest, that the mistakes and acts of indelicacy imputed to Colonel D. Sombre might, if unexplained, be a groundwork for an imputation of insanity. But, my Lord, Error and Insanity are not convertible terms, and those presumed mistakes and errors on which, in the absence of appropriate proof, your referees have relied as establishing his insanity, have either been divested of their character as mistakes and errors, or placed in the ordinary category of human weaknesses. The appropriate proof of insanity consists of very different materials, and these we have been unable to discover either in the reports of your referees, or the depositions on which the last one is founded; true, it is averred, that he suspects a conspiracy, and this kind of suspicion is undoubtedly often observable in the insane. In his case, as we have pointed out, the suspicions adduced are neither unnatural nor unsupported.

There is, however, another suspicion entertained by him, which has demanded and received our serious consideration in reference to the question before us. We allude to his charge

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against the India Company of tampering with his Wife and her Father, with a view to the infidelity of the former; the following is the result of our consideration. If suspicions to this effect and extent had obtained and kept possession of the mind of a person educated exclusively in European notions and habits, we might perhaps have given them some weight as evidence of insanity, even in the absence of all other proof. If they sprung up in the mind of one born and bred in countries in which incest is common, and treachery habitual, in the mind of one having special grounds of irritation, and the most intense dislike to the parties against whom he entertains the suspicions, if these suspicions should spring up and take root in a mind thus constituted, we should view them as harmonising with it
10 completely, and in strict conformity to its laws; such, my Lord, is the case, and such the character of Colonel Dyce Sombre. The impression, no doubt a delusive one, to which we are referring, arose in his mind during the period in which he was treated as insane. It entirely falls in with our experience, that delusive opinions thus formed and thus strengthened may survive the insane state; and we are of opinion that we should act with very great injustice, if we should consign a patient to a madhouse on the ground of his continuing to assert one morbid impression, when the entire context of his character indicates sanity. In proof that the context of his character bears this interpretation, we may allege that your Lordship has allowed him an uncontrolled use of the surplus of his income, and that he has not abused the permission. That your Lordship has given him full liberty
20 of action abroad, which he has exercised for three years without any imputation of insanity, as proved by certificates of the leading physicians in St. Petersburg, and at Paris, and Brussels. That at this moment the same freedom of action is accorded to him here, both as to person and to property, which again he has not abused. That we have taken opportunities of strictly and repeatedly ascertaining whether his conduct is likely to be dangerous to himself or others, and can discover no grounds for such an apprehension. On the contrary, we find him fully aware of the consequences of his actions, and very careful how they affect himself.

Having thus considered the evidence on which the mental sanity of Colonel Dyce Sombre is questioned, we now call your Lordship's attention to its effects on his present state and
30 his future prospects.

The present position of Colonel D. Sombre is strangely unreasonable. He is supplied with every liberty and pecuniary means to do harm, if so inclined, to himself and others; he is deprived of that complete command over his fortune which he feels to be his right; nor are the restrictions which have been imposed on him in regard to place, less onerous and incongruous, as if he were less capable of regulating his own conduct in England, than in Italy or France.

It is indeed, to all of us, most surprising that he continues so calm and collected and reasonable as he is, considering the long continued and vexatious examinations to which he is subjected, the unavoidable irritation of his mind under a conviction of unreasonable pri-
40 vation, and the ample grounds that he has for suspecting that he is constantly watched, and that his conduct, even in the most trifling matters, is liable to be misrepresented.

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But human endurance has its limits; and we fear that the pressures and annoyances to which Colonel D. Sombre is subjected, may ultimately lead, if persisted in, to mental aberration and bodily infirmity.

Such, my Lord, are our reasons for affirming that the Commission under which Colonel D. Sombre is controlled, ought to be immediately superseded.

JOHN AYRTON PARIS, M. D.

(President of the Royal College of Physicians.)

THOMAS MAYO, M. D.

ALEXR. MORISON,

Physician to Bethlem Hospital.

10

JAMES COPLAND, M. D.

ROBERT FERGUSON, M. D.

WM. B. COSTELLO, M. D.

Principal of Wyke House Asylum.

LETTERS referred to in the Opinion of Dr. PARIS, and others.

LORD COMBERMERE TO MR. A. S. MAHON.

Dear Sir,

C—— Abbey, 8th Xr. /48.

I WAS much afraid that our friend would not stand a good examination; he is sane, but so exceedingly imprudent and obstinate, that I really see no prospects of his emancipation.

A Paper to the following effect, and signed by Lord Downshire, Mr. Prinsep, myself, 20 and many others, might have some weight with the Chancellor, viz.

That Colonel D. Sombre never showed the least symptom of insanity before his marriage; that he is like most natives of Hindoostan, of a very jealous disposition, and also (though naturally a goodnatured and quiet man) passionate when roused, and treated Mrs. D. Sombre in a manner quite un-English, though justifiable in Hindoostan when a woman is suspected of infidelity. Some of the undersigned who are acquainted with Mrs. D. Sombre, are of opinion that her manner, &c. with men was such as to kindle unpleasant feelings in a breast less susceptible than that of the Colonel's.

The Lord Chancellor is implored by the friends of Colonel D. Sombre to make allowances for his conduct towards Mrs. D. Sombre, which never could be experienced again by her, inas- 30 much as the Colonel is determined never to cohabit with her. The object in keeping Colonel D. Sombre within the jurisdiction of the Court of Chancery, was (so Lord Lyndhurst informed Lord Combermere,) the protection of Mrs. D. Sombre. This is obtained by a Deed of Separation, which the Colonel will at any time sign, and will find security for his

abstaining from, in any way, molesting Mrs. D. Sombre, to whom a liberal allowance would be given. As to the competency of Colonel D. Sombre to manage his own affairs, the undersigned know of no person more careful of his money, and more capable of managing his affairs, than Colonel D. Sombre.

I wish you would see Mr. Prinsep and any other friends of the Colonel, and state my opinion as to what is best to be done for the Colonel.

I am glad to find that you are likely to have your just claims settled.

I am, dear Sir,

Very faithfully yours,

COMBERMERE.

10

SAME TO SAME.

Dear Sir,

C—— Abbey, Dec^r. 10th 1848.

I AM delighted at hearing that Colonel Dyce Sombre is likely to succeed in establishing his just claim to being considered perfectly sane, and that he will be restored to his liberty and property is my most sincere and earnest wish; the suggestions I wrote in a hurried way a few days ago may be shown, as well as my letter, to the medical men.

Colonel D. Sombre is quite correct in saying, that at Brighton (and he might state upon other occasions,) I strongly recommended him to be very circumspect in his conduct, for that he was watched by the adverse party, (who employed people for the purpose,) by whom the slightest indiscretion would be exaggerated and brought against him. If I did mention any names, I did so in strict confidence.

I shall be in London for a day or two in January, and shall be glad to inform the medical men as to my opinion of the Colonel, whom I have known well, and have seen so much of, since the year 1825.

I am, dear Sir,

To A. S. Mahon, Esq.

Very faithfully yours,

COMBERMERE.

MR. PRINSEP TO MR. A. S. MAHON.

My dear Sir,

37, Hyde Park Gardens, 20th Dec^r. 1848.

30 The circumstances referred in the Report of the Physicians in reference to Lord Metcalfe's alleged denial of "all knowledge of Madame Solaroli's illegitimacy" were the following. It was only after Mr. Dyce Sombre's retirement to the Continent, that he addressed himself to me, or asked me to interfere at all in his affairs. He first asked me to undertake the conduct of his case, or recommend him a solicitor, which I refused to do, but was the means of presenting a letter from him to Lord Lyndhurst, who in consequence gave the weekly allowance of 60 *l.*, paid through Messrs. Coutts, without Mr. Warwick's intervention. Very soon afterwards, Mr. Dyce Sombre consulted me about making his will, and I replied by letter, pointing out that it would be particularly desirable in his case, because there might be difficulty in proving his Father's marriage with the

Begum, and if that proof should fail, his Sisters would not inherit, and his estate would go to the Queen, except so far as Mrs. Dyce Sombre might have rights in it. I asked further, what proof existed of his Mother's marriage, my then impression being that the marriage would be found an irregular one, such as existed between another protégé of the Begum Sombé and Mr. Guthrie, of the Bengal Civil Service, which was so little effective, that Mr. Guthrie married afterwards an Englishwoman, *his Hindoostan Wife being known to be then living*. In reply to this letter, Mr. D. Sombre referred me to Lord Metcalfe, who he said knew everything. He did not then make any distinction between the two Sisters, nor did he enter into any particulars; and as Lord Metcalfe was shortly expected from Canada, I asked no more, but waited his arrival. Although very unwell, 10 Lord Metcalfe saw me (I think twice). I had conversations on the subject of Mr. D. Sombre; he said his impression was, that the younger Begum was formally married to Colonel Dyce, but he was not present, and only knew of it, as understood and spoken of at the time, when he was Resident at Delhi; that Mr. D. Sombre and Mrs. Troup were the Children of that marriage, and therefore of course legitimate. He did not know so much of Madame Solaroli. I reported the result of this communication to Mr. D. Sombre, who wrote in reply, that he was quite surprised at Lord Metcalfe's reserve, for he must have well known that Madame Solaroli was illegitimate. He did not, however, then enter into any particulars, nor did I hear more until Colonel D. Sombre wrote more fully on the subject to Mr. Rolt. The above, however, is the substance of what passed, which the phy- 20 sicians refer to very unfairly, when they say, "Lord Metcalfe denied all knowledge of the subject to Mr. Prinsep." The fact is, that Mr. D. Sombre has an erroneous belief that Lord Metcalfe fully investigated the matter, whereas there never could have been any occasion for his doing so, Madame Solaroli being brought up as a Sister, and so treated, because according to the account of Mr. D. Sombre, born in the Harem, of a slave girl, which according to the Mahomedan law, and the custom of all native families, would give an equal right of inheritance with a daughter by the Shaidee (married) Wife. All the Nawabs of Moorshedabad, and most of the Kings of Oude, have been sons of Khuwanasar (slave girls); and Colonel Dyce Sombre's own Mother was a Daughter of Colonel Renaud (Sombre) by a similar Mother, brought up by the old Begum as her own child, because so born in her 30 Harem.

I hope this explanation will be satisfactory.

Yours very truly,

H. T. PRINSEP.

SAME TO SAME.

My dear Sir,

THE explanation given by Mr. D. Sombre of the expression he believes General Ventura to have used, is quite correct. The words "Loura Khôl," having the meaning stated, are used in India exactly under the circumstances that an Englishman would use in the black-guard phrase, "Kiss my A——." I recollect as I was travelling dawkorne in India, we 40

met a party of pilgrims carrying holy water from Hurdwar to Juggernaut; they used the usual invocation to Christians "Hurree Bol," "Hurree Bol," which my bearer answered, as you might suppose a blackguard cabman to do, with his slang oseulary invitation, "Loura Khôl," "Loura Khôl."

However, I can scarcely suppose that General Ventura would have used a low expression of the kind, and am inclined to believe that Colonel D. S. must have misheard him. The General may have addressed to him some words in Hindostanee, having reference to the predicament in which he lighted upon him, and thence the Colonel may have misheard, in the offensive form, the slang phrase referred to. Colonel D. S., however, may naturally
 10 have felt irritation at being addressed at all under these circumstances, and was therefore more ready to give the words the most offensive interpretation.

Believe me,

Yours very truly,

37, Hyde Park Gardens, 19th Dec. 1848.

H. T. PRINSEP.

MR. FRERE TO SIR RICHARD JENKINS.

Sir,

Lincoln's Inn, 17 February 1849.

I BEG to request your attention to the following circumstances :

In a report addressed to the Lord Chancellor, by Dr. Paris, and others who have examined Mr. Dyce Sombre, at his own request, as to his state of mind, I find a letter stated to bear
 20 date the 10th day of December, addressed by Lord Combermere to Mr. Mahon, referred to, and much relied on.

Mr. Frere to
 Sir Richard
 Jenkins.

It appears that, at a previous examination, in November last, by Drs. Bright, Southey, Martin, and Sir James Clark, the physicians appointed by the Lord Chancellor, Mr. Dyce Sombre, when asked to explain certain allegations made in affidavits, as to his conduct at Brighton, in 1847, stated, "that Sir Richard Jenkins was employed there to collect evidence
 "of his insanity," and that Lord Combermere had told him so, in the presence of the Marquis of Downshire.

In Lord Combermere's letter of the 10th of December, in reference to the above statement, his Lordship says, "Colonel Dyce Sombre is quite correct in saying that at Brighton,
 30 " (and he might state upon other occasions) I strongly recommended him to be very circum-
 "spect in his conduct, for that he was watched by the adverse party (who employed people
 "for that purpose), by whom the slightest indiscretion would be exaggerated and brought
 "against him. If I did mention any names I did so in strict confidence."

Mr Frere to
Sir Richard
Jenkins.

His Lordship's letter, taken in connexion with the report of the examination of Dr. Southey and his colleagues, though it contains no express assertion to that effect, leads naturally to the monstrous conclusion which Dr. Paris and his colleagues have adopted, namely, that his Lordship did mention to Mr. Dyce Sombre, in strict confidence, your name as a person employed by the adverse party to watch him, and that thus Mr. Dyce Sombre was justified in referring to Lord Combermere as his authority for this notion. Lord Combermere tells me he has explained this circumstance to you in a satisfactory manner two months since, and refers me to you.

In a letter which Mr. Dyce Sombre has written to the Lord Chancellor, extremely clever, and well put together, he quotes Lord Combermere's letter, in proof that he was justified in 10 suspecting you of being employed to watch him; and in further proof he asserts that you went over in the same steamer with him to Boulogne-sur-Mer, and that he lost some boxes containing valuable jewels, and should not be surprised at finding that you are some way connected with the loss, or words to that effect.

I need not say that I am myself perfectly satisfied that Lord Combermere's letter is intended to give currency to a misstatement, without incurring the hazard attending it, and that Mr. Dyce Sombre's statement is quite incredible; but I wish to be able to contradict the statement of the one and the inuendo of the other; and I should be much obliged to you to inform me what Lord Combermere's explanation is; and whether you were at 20 Brighton in the summer, 1847, when Mr. Dyce Sombre was there, or ever went over to Boulogne in a steamer with him. Is there the least foundation for a belief, either in his mind, or Lord Combermere's, that you were watching him, or can you in any way account for his having conceived such an opinion?

I remain, Sir, your obedient Servant,

Sir Richard Jenkins, 29, Welbeck-street.

BARTLE J. L. FRERE.

P.S.—It may be right to mention that I am the solicitor to the Commission of Lunacy against Mr. Dyce Sombre.

SIR RICHARD JENKINS TO MR. FRERE.

Sir,

London Joint Stock Bank, 26 February 1849.

Sir Richard
Jenkins
to Mr. Frere.

I AM sorry I have been unable sooner to reply to your letter of the 17th instant. I now beg to say that in the month of January last, I saw in the "Galignani" newspaper a copy of the report of Drs. Southey, Bright, Sir James Clark, and Martin, containing the statements you allude to as made by Mr. Dyce Sombre, viz., that I was employed at Brighton, in 1847, to collect evidence of his insanity, and that Lord Combermere had told him so, in the presence of the Marquis of Downshire. The same paper contained Lord Combermere's letter to Mr. Mahon, referred to in one from Mr. Dyce Sombre, as
 10 connected with the above statement. As you have already had communication with Lord Combermere on the subject, and his Lordship has referred you to me, I may state that I immediately wrote to Lord Combermere, sending him the whole extract from "Galignani," and whilst expressing my own conviction that his Lordship never could have told Mr. Dyce Sombre that I was employed to collect evidence against him, or have alluded to me in his letter to Mr. Mahon, I begged him, for the information of others, who were partizans of Mr. Dyce Sombre, whom I sometimes met in society at Paris, to empower me to publish a contradiction of the allegations against me, as far as it was brought forward on his Lordship's implied authority. His Lordship's reply referred only to the letter to Mr. Mahon, in which he said "my name was not mentioned, or any allusion made to it;" but as his
 20 Lordship did not authorise me to publish a contradiction in his Lordship's name to Mr. Dyce Sombre's statement, I again wrote to him, but have not yet received an answer. In reply to your questions, I beg to state that I was at Brighton in the summer of 1847. I have been there almost every summer; but I cannot say whether I was there in 1847 at the same time with Mr. Dyce Sombre. I may have met him there, but I do not recollect it. On Friday, the 29th December last, in going to join my family in Paris for the New Year, I met Mr. Dyce Sombre on the deck of the Steamer at Folkestone, bound for Boulogne. I do not know what became of Mr. Dyce Sombre during the first part of the passage; but I went below when about half-way, and sat down on one side of the fire, and he came down and sat opposite me for some time: nothing passed between us. He left
 30 the cabin before me, and I did not see him when we landed. I stayed one night at a friend's house at Boulogne, and went on to Paris by the railway, on Saturday the 30th. I saw no more of Mr. Dyce Sombre. There is not the least foundation for a belief in any sane person's mind that I ever was watching him, or have any hostility or any wish or object that could lead me to get up evidence against him. I met Mr. Dyce Sombre, shortly after his arrival from India, for the first time, I believe, at Lord Combermere's, with whom I am acquainted. The late Lord Metcalfe, who was an intimate friend of mine, also took some interest in him; and as far as his affairs have ever been before me, I have always rather

Sir Richard
Jenkins
to Mr. Frere.

wished to see him well through his difficulties than to act hostilely towards him. The first I heard of any hostility on his part towards me was, I believe, in 1839, when he challenged me to fight him; the only ground of offence being (as I afterwards understood) that the Court of Directors of the East India Company had, when I was Chairman, disallowed some claims of his. I laid the letter before Lord Combermere, who so far settled the matter with Mr. Dyce Sombre, that I never heard any more of the challenge since that time. I have no doubt seen Mr. Dyce Sombre occasionally. I met him once or twice at parties at Paris some years ago, and my family continue so to meet him. I am informed that on such occasions he has more than once held me up as one of his enemies; but we have never exchanged words or greetings of any kind.

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I am, Sir, your obedient Servant,

To Bartle J. L. Frere, Esq.,
Lincoln's Inn.

RD. JENKINS.

AFFIDAVIT OF JAMES RANALD MARTIN, ESQ.

Affidavit of
J. R. Martin,
Esq.
Sworn,
20th February
1849.

I, JAMES RANALD MARTIN, of Lower Grosvenor-street, in the county of Middlesex, Esq. make oath and say, that I was, up to the year 1840, and for 22 years and upwards preceding, a Medical Officer in the Bengal Army, during 12 years of which time I was in private and public practice in Calcutta in the East Indies, and during 10 years of that time I filled the situation of Presidency Surgeon, and Surgeon to the Native Hospital of Calcutta, and during the whole of my residence in India I was extensively employed both among the European residents and natives, and since my return to England I have been in extensive practice as a consulting surgeon in London. And I say that very few European men have had the same opportunities as I have had of becoming acquainted with the interior of the native homes, as well those of Mahomedans, Hindoos, and Christians. And I say that I am the consulting surgeon appointed by the order of the Lord Chancellor in this matter, dated the 9th day of August 1848, on the nomination of the said David Ochterlony Dyce, Sombre, to attend on his behalf the examination, as to his state of mind, by Drs. Southey, Bright, and Sir James Clark. And I say that the said David Ochterlony Dyce Sombre, in the month of November 1848, before such examination took place, consulted me professionally for a derangement in his bowels, and on my questioning him as to the probable cause, he hinted, in a mysterious way, that such disorder was caused by something injurious put into his food, and stated that he had mentioned it to Mr. Mivart the master of the Hotel in Brook-street, where he then resided, on the subject. And I say that on my questioning the said David Ochterlony Dyce Sombre on the improbability of his food being drugged, he said, "You know how easy it is to put datoora and other things into food; you must know these things are done in India," or words to that effect, at the same time extending his arm as if

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in the act of dropping something from his hand into some vessel. And I say that datoora is a species of stramonium, a narcotic poison used by the natives of India to intoxicate and to poison. And I say that on my further reasoning with the said David Ochterlony Dyce Sombre that there was no one likely to do such an act, he mentioned Captain Troup and Signor Solaroli and Mr. Frere as persons likely enough to do it. And further, upon my asking if anything of the kind had ever happened to him before, the said David Ochterlony Dyce Sombre stated that he had been ill at Brussels on his return from Russia, and attributed it to his food having been poisoned, and mentioned Mr. Frere, Captain Troup and Signor Solaroli as having of themselves, or through their emissaries, who were always following him, caused this drugging of his food. And I say that I considered this interview as very material for the consideration of Drs. Southey, Bright, and Sir James Clark, and mentioned it to them; but upon our examination of the said David Ochterlony Dyce Sombre he would say nothing about it, and therefore, at the request of my said colleagues, I saw the said Mr. Mivart, to question him thereon; and the said Mr. Mivart informed me that the said David Ochterlony Dyce Sombre was immoderate in his eating, taking animal food largely at dinner, and also, late at night, turtle soup, &c., and also in drinking, consuming much brandy in the course of each day and night, besides wine; and the said Mr. Mivart admitted that the said David Ochterlony Dyce Sombre had questioned him, Mr. Mivart, about his food, and had cautioned Mr. Mivart to be particular in the preparation of his food. And I say that I have read the office copies of a paper purporting to be a report on Mr. Dyce Sombre's state of mind, by Drs. Paris, Mayo, Morrison, Copland, Ferguson and Costello, dated the 24th of December 1848, and a paper purporting to be copies of three letters referred to in the said report, two from Lord Combermere to Dr. Mahon, dated respectively the 8th and 10th days of December 1848, and one from Mr. Prinsep to Dr. Mahon, dated the 20th day of December 1848, and the said report appears mainly to have relied on those letters. And I say that the said report and letters appear to me such as may be set aside as groundless. They are founded on misapprehension of facts, as appears from the affidavits, and an unacquaintance with the Asiatic character, on the subject of his Sister Madame Solaroli's legitimacy; no such mistake could arise from the domestic arrangements of an Indian family any more than in an English family. The natives of India do not live in such a state of promiscuous concubinage in their own homes as to render the parentage of the children a matter of doubt, on the contrary, their homes are regulated with a strict and most decent etiquette. The wives, like women in general, are jealous of their marital privileges. They have their separate apartments, and maintain a pretty strict watch over their slaves, towards whom the husband is obliged to practise great reserve. The children of the dancing girls (who are, as it were, the licensed common prostitutes, and not the domestic servants or slaves) are looked upon with great scorn, and commonly called by an opprobrious name, meaning child of a prostitute, though some (as have bastards in Europe) may have held respectable or eminent positions in the world; concubines are little different from wives, and cannot be taken and repudiated at pleasure, but even their children are treated on a different footing from the issue of the lawful wife in Mahomedan and Hindoo families. The real difference, as respects children, is in the law and not in the domestic habit or custom. In Christian families there are no such

Affidavit of
J. R. Martin,
Esq.

things. One remarkable instance of this unacquaintance appears in the said report, whercin it is incidentally mentioned, that incest is common in India. This is notoriously not the case; the greatest constraint is observed in the intercourse between the nearest blood relatives of different sexes. Incest is universally considered, among the respectable natives, as a crime of the most shocking and detestable kind; is forbidden by their laws, and is as rare among the well-conducted, whether Hindoos or Mahomedans, as in Europe. Indeed, in the matter of chastity and personal purity, the respectable natives of India are equal to the same class in European countries. Again, on the subject of Mr. Dyce Sombre's jealousy, the Indian character in this respect is altogether mistaken by the said report. The natives of India are a remarkably reasonable, placid, temperate people, and not at all liable to furious excesses of 10 jealousy or other passion, neither are they so foolish as to apply the same rules of conduct to women in totally different circumstances. The women of the lower classes go about with their faces uncovered, and mix with the men, but a native gentleman does not suppose all these women unchaste, as he would probably be very right in thinking his own wife, if she so far forgot all the rules and decencies of her station. In the same manner they feel towards our women great respect, and treat them accordingly, perfectly well able to allow for the difference of customs and rules of conduct, and to distinguish between the liberty arising from European habits, and license, the result of levity of mind and wantonness. I never witnessed in a native Indian any operations of jealousy which could serve as a parallel to explain or justify Mr. Dyce Sombre's suspicions against his Wife, such as I have witnessed myself in 20 him, and such as he exhibited to Sir Charles Trevelyan in or about the year 1843, when, in consequence of what Sir Charles Trevelyan then saw, he withdrew from his intention of advocating the superseding the commission.

J. R. MARTIN.

Sworn at the Chancery Affidavit Office, in Southampton-buildings, in the county of Middlesex, this 20th day of February 1849,

Before me,

S. ANDERSON.

AFFIDAVIT OF THE HON. MARY ANNE DYCE SOMBRE.

I, THE HONOURABLE MARY ANNE DYCE SOMBRE, the Wife of the said David Ochter-
 lony Dyce Sombre, make oath and say, I have read an office copy of a statement sent to the
 Lord Chancellor by my said Husband, purporting to be an account of an interview between
 us on the 10th of November 1848, at Mr. Martin's

Affidavit of
 the Hon.
 Mary Anne
 Dyce Sombre.
 Sworn,
 20th Feb.
 1849.

* * * * *

In reply to the questions by my said Husband as to whether I remembered his asking Sir
 Charles Metcalfe to repeat before me what he had told my said Husband some days before
 at Mivart's, and whether I recollected Sir Charles saying that Madam Solaroli was only a
 10 half Sister of my said Husband's, I say I did not answer in the evasive manner imputed to
 me in the said memorandum; I answered both questions distinctly and decidedly in the
 negative, and my said Husband seemed quite content, and said after each answer, "That
 will do;" "That's sufficient;" and to the best of my recollection and belief he put no further
 question on the subject beside the two I have referred to. He did not ask me whether I
 would take my oath. And I say that Sir Charles Metcalfe never did, on any occasion, in
 my hearing, state anything whatever with respect to Madame Solaroli's being a half Sister
 of my said Husband's, or anything of the like purport or kind whatever. And my said
 Husband frequently conversed with me on the subject of his family; and I never, before the
 occasion of this meeting, heard from him one word which could lead me to suppose that he
 20 believed Madame Solaroli was not his full Sister, or was illegitimate, or that either Sister
 was, in any respect, differently circumstanced in point of relationship to the other; and my
 opinion is, that if he had entertained such belief whilst with me, he would have named it.

* * * * *

And I further say I have read the office copy of a document purporting to be a letter
 addressed by several noblemen and gentlemen to the Lord Chancellor on the subject of the
 Commission upon my said Husband, which letter is dated the 18th of January 1849, and
 mentions some very injurious opinions as to my behaviour entertained by some, but not stating
 which of these noblemen and gentlemen, and some remarks upon the supposed nature of my
 Husband's mental state and his conduct towards me, founded upon an assumed knowledge of
 30 the disposition of the natives of Hindoostan, and what is considered in Hindoostan justifiable
 when a woman is suspected of infidelity, and volunteering some advice to the Lord Chan-
 cellor as to the treatment of Mr. Dyce Sombre. This letter was sent privately to the Lord
 Chancellor, without notice to me or my advisers. The noblemen and gentlemen by whom it
 appears to be signed are, first, Lord Combermere; second, Lord Downshire; third, Lord
 Shrewsbury; fourth, Sir Francis Charles Knowles; fifth, Major Edward Bere; sixth, Henry
 A. Smyth; seventh, Vice-admiral Hatton; and a postscript is added signed by, eighth, Sir
 C. E. Trevelyan. Sir Charles Trevelyan apparently does not coincide in the statements of

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the other noblemen and gentlemen; he merely repeats an opinion which he entertained several years ago, and relinquished, as I and others believed, after having had ocular proof of my poor Husband's delusion. Of the other seven, Lords Downshire and Shrewsbury have certainly, I believe, never been in India, and can personally know nothing about the Indian disposition, which they treat of so confidently, except from hearsay. I have no means of ascertaining who Henry A. Smyth is. I have learnt that my Husband employed an attorney, named Smyth in Paris; and there is a brother of the Princess of Capua's and Lady Dinorben's named Smyth, who had, I believe, some slight acquaintance with my said Husband, but I do not know either of those persons, nor any one of the name of Henry A. Smyth myself, and I feel sure no person of that name knows me. I have not the least personal acquaintance with Major Bere, Admiral Hatton, or Sir Francis Knowles, and never heard of the two latter at all, or the former, excepting by seeing his name attached to a letter addressed to my Husband, which appears in the "Globe" paper of the 26th of December last, and can very safely affirm that they know nothing personally of me. Whether Lord Shrewsbury's signature refers to the remarks upon the disposition of the natives of Hindostan or the imputation upon my manner, I do not know. The acquaintance I have had with Lord Shrewsbury and his family, though slight, has been of such a kind that I can hardly believe it should have existed if his Lordship held the opinion of me this letter implies. The last time we met was in 1844, when Lady Shrewsbury, being at the Clarendon Hotel, asked me to spend the evening with Lord Shrewsbury and herself alone. Since that time I have lived in such complete seclusion that his Lordship (no more than people in general) can have had no opportunity of forming an opinion about my manner. Lord Downshire I saw once when he was Lord Hillsborough, many years ago, and I found him sitting in the drawing-room of Mrs. Watt Smythe, with her and her daughters, on occasion of a morning call; he was the only gentleman in the room. I remember it perfectly, and am pretty certain we were not even introduced. Since that time I have not seen him, to the best of my recollection and belief. It is possible I may have been in the room with him without seeing him, but I am not aware of it.

* * * * *

M. A. DYCE SOMBRE. 30

Sworn at the Chancery Affidavit Office, Southampton Buildings, in the county of Middlesex, this 20th day of February 1849,

Before me,

S. ANDERSON.

LORD COTTENHAM'S JUDGMENT ON MR. DYCE SOMBRE'S FIFTH PETITION FOR A SUPERSEDEAS OF THE COMMISSION.

20 April 1849.

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The Lord Chancellor.—The circumstances under which this case comes before me might have raised much of difficulty as to the course I ought to pursue. I owe a most important duty towards the person in whose name the petition is presented; but I also owe a duty towards the Court over which I preside, in which, all those who are under the necessity of resorting to it, are interested. In the case of infants it is the habit of the Court very much to disregard form, when necessary, in order the better to protect their interests; and, in some respects, Lunatics may be supposed to be entitled to a similar privilege. But a party who applies for a supersedeas of a Commission can hardly be considered as entitled to such indulgence; he comes here asserting that he is of sound mind, and he cannot, at the same time, claim the benefit of any relaxation of the practice conceded to those who are of unsound mind. This distinction ought not to be carried too far; but the history of this petition will, I think, demonstrate that it would be most injurious to the interests of the class of unfortunate persons who are under the protection of the Court to disregard it altogether. This is the fifth petition for a supersedeas which has been presented since the Commission in 1843, under which the Petitioner was found to be of unsound mind. The fourth petition was presented in June 1848, and was supported by an affidavit, among others, of three physicians in Paris, by which they certified they had examined the state of Mr. Dyce Sombre's mind, and that they considered him fully competent to the management of himself and his property. There were also affidavits of many persons of station, both French and English, who spoke to the general propriety of his conduct at Paris, and stated that they believed him to be in the full possession and enjoyment of his intellectual faculties. The petition, so supported, prayed that the Commission might be superseded, and, in order thereto, that he might be examined, if I should think it necessary, by such physicians as I might appoint, touching the state of his mind. The course of my duty was very clear; and, by an order of the 9th of August 1848, I directed that the Petitioner should attend in London, and be examined by Doctors Bright and Southey, who had examined him before, who are the physicians usually consulted by the Great Seal on such occasions, and also by Sir James Clark, who was named by the Committees of the person, and also by Mr. Martin, who was named by the Petitioner himself; all of which gentlemen—the four—had opportunities of being acquainted with the character of his malady, and particularly qualified, therefore, to form a correct opinion as to whether it had ceased or continued in any degree. All the evidence which had been up to that time adduced, was, as a matter of course, laid before those four gentlemen, but no application was made for any special direction as to the manner in which the examination was to be conducted, or as to laying any new evidence before them, or

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supplying any supposed omission by other affidavits. The conclusion of the report made to me by those four gentlemen, signed by them all, and dated the 18th of November 1848, was, "That they regretted to find that no improvement appeared to have taken place since " Mr. Dyce Sombre was last in England;" that, on the contrary, Dr. Bright and Dr. Southey thought he was more obviously unsound in mind than when they had examined him, and " that the undersigned were all of opinion that he was quite unfit to be entrusted with the " management of his own affairs." The shorthand writer's notes of what passed at the examination were taken, and were referred to in the report of the physicians; and the petition coming on again, on the report, on the 22d of December 1848, the Counsel for the Petitioner stated he could not, on that report, ask for a supersedeas, and, therefore 10 the application for that purpose was refused, though no order appears to have been drawn up; and, upon a question being raised as to the costs, the Respondent contending that the dismissal with costs was necessary, in order to protect them against a repetition of similar attempts, I declined making any order at that time as to costs, directing the petition to stand over as to the costs, thinking that the pendency of the question of costs would afford a sufficient security against any unnecessary, and, therefore, improper repetition of such applications without a sufficient case to support it.

Nothing was then said or attempted by way of disputing the correctness of the report so made. There was no proposition for adducing additional evidence, or any further investigation or inquiry, and it appeared that the matter was set at rest for the present, and unless 20 some new circumstances should arise to vary the case made on behalf of the Petitioner.

Not long after this I received two communications of a character unexampled, I hope, in the history of this Court, the first dated the 24th of December 1848, two days after Mr. Dyce Sombre's petition for a supersedeas had been refused, with the concurrence of his professional advisers, signed by Doctors Paris, Mayo, Morrison, Copland, and Costello; the other was dated the 18th of January 1849, and signed by Lords Combermere, Downshire, Shrewsbury, and four other gentlemen, and to which was added a note, signed by Sir Charles Trevelyan of the Treasury. This latter document appears to have been intended principally to introduce the former. There are, however, parts of it on which I shall presently make some observations: the whole of this proceeding was most irregular and improper. Every 30 private communication to a Judge, for the purpose of influencing his decision on a matter publicly before him, always is, and ought to be, reprobated; it is a course calculated, if tolerated, to divert the course of justice, and is considered, and ought, perhaps, more frequently than it is, to be treated as it really is, a high contempt of the Court; it is too often excused on account of the station in life of the parties, and their supposed ignorance of what is due to a Court of Justice, but no such excuse can be made in the present instance. If this was not intended as a private communication, why was it made in that form? Why not have brought it before the Court in the usual manner, through the solicitor and the counsel of the party, who alone can be recognized by the Court as representing him? I have received from two of the subscribers to that letter, Lord Combermere and Lord Shrewsbury, 40 assurances that nothing disrespectful to myself was intended by that communication. I never considered it in that light; but, as the Judge of the Court against which the contempt has

been so committed, I am bound to express my high reprobation of the course pursued, and the more so on account of the rank and station of the parties to it. I cannot, however, but in justice observe, that from the explanation given to me by Lord Shrewsbury, that I am satisfied, from the manner in which the letter was submitted to him, and his signature obtained to it, he was not aware of the true nature of the transaction, or of the purpose for which it was intended to be used. This is no more than I should expect, and am ready to believe, from the high character deservedly borne by that nobleman, and by the high principle by which I, from personal knowledge, believe him to be on all occasions influenced.

Having said so much on the subject of this communication, as a contempt of Court, I
 10 have to consider how it ought to influence my conduct on the matter of the fifth petition for a supersedeas, which has been since presented. I do not find any statement as to the time at which Mr. Dyce Sombre left this country, after the examination of November 1848, but, as by my order, the protection was to continue until the report of the Physicians was made, and as the report is dated the 18th November 1848, I must assume he left this country soon after that time, and I cannot suppose him to have been in this country after the 22d of December, when my order, dismissing the former petition, was made. This is of some importance in the consideration, how far I am to consider the petition presented on the 29th of January 1849 as the act of Mr. Dyce Sombre, whose former petition, for the same purpose was, with his own concurrence, expressed through his counsel, dismissed on the 22d
 20 of December. On this subject most important evidence is contained in a letter from Mr. Dyce Sombre to myself, dated Paris, 12th of January 1849, and its several enclosures, one of which (No. 3) is a letter, purporting to be signed by Anthony Mahon, called in other places, Dr. Mahon, and addressed to Colonel Dyce Sombre, which recites an agreement between him and Mr. Dyce Sombre, a Lunatic, under a Commission, under which Mr. Dyce Sombre is represented as agreeing to pay this Dr. Mahon 10,000*l.* in case the Commission of Lunacy should be superseded through his instrumentality and exertions, or he, Mr. Dyce Sombre, should be placed in the uncontrolled possession of his property, and the proceedings annulled within or about the 31st of December 1845; and which paper also stated, pursuant to this letter, a contract, bearing date July 1845, and a power of attorney, bearing
 30 date the 25th of August 1845, whereby Colonel Dyce Sombre appointed Dr. Mahon his agent, and gave him full power and authority to act on his behalf. This agreement appears to have remained in force until April 1848; the petition, therefore, in January 1846, and that of July 1847, must be referred to this agreement; but both having failed, it is obvious that, according to its very terms, all title to the 10,000*l.*, or any part of it, had also failed. But by the same enclosure I find another paper, purporting to be signed by A. Mahon, which is as follows: "In consequence of Colonel Dyce Sombre having, in April 1848, put
 "an end to the agreement of July 1845, whereby Dr. Mahon was entitled to claim 10,000*l.*
 "as a compensation for his services, risks, responsibilities and expenses on the supersedeas of
 "the Commission of Lunacy against Colonel Dyce Sombre, Dr. Mahon proposes to the
 40 "arbitrators to estimate the compensation that he is entitled to for his services, from July
 "1845 to April 1848, in either of the manners following: First, what proportion of the
 "10,000*l.* is Dr. Mahon entitled to for the increase of income, the re-opening the Commis-

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“ sion, and the standing obtained in the Court of Chancery, whereby Colonel Dyce Sombre
“ may, within a short period, supersede the Commission? Has Dr. Mahon done one-third, one-
“ half, or three-fourths of the work? Secondly, what per annum, for three years, are the
“ entire services of a physician or surgeon, of 20 years' standing, worth, who devotes himself
“ solely to conduct and manage a suit in Chancery, upon which 500,000*l.* depends?” Here
comes the most important part of this document, “ To manage, conduct and obtain the
“ favourable report of medical men of the first eminence in favour of the party entitled to
“ the 500,000*l.*, against whom a Commission of Lunacy is in force, who has succeeded in
“ obtaining a *locus standi* in the Court of Chancery to supersede the Commission, and who
“ has succeeded in augmenting Colonel Dyce Sombre's income from 60*l.* a week to the entire 10
“ surplus of his income, after deducting 4,000*l.* per annum paid to Mrs. Dyce Sombre.” By
another paper, purporting to be a copy of an award, signed H. T. Prinsep and W. H. Richardson,
640*l.* 7*s.* 6*d.* is awarded to this Dr. Mahon for monies paid and expenses incurred in
bringing the petition before me, and 1,500*l.* for services, losses and liabilities incurred by
this Dr. Mahon, making together 2,140*l.* 7*s.* 6*d.*; the 640*l.* 7*s.* 6*d.* to be paid immediately;
the 1,500*l.* to be paid in notes, at various terms; the last at 18 months after date.

Mr. Dyce Sombre, in his letter to me of the 12th of January last, complains of this, and
well he may, for Dr. Mahon, who was to receive 10,000*l.* if he succeeded, and in that event
only, has obtained 2,140*l.* on failure. Language adapted to the ordinary course of mankind
would be found wanting in any attempt to express the opinion of any honest mind of such 20
a transaction as this. While plundering Mr. Dyce Sombre in a manner and by means which
could not be practised against any one of sound mind, Dr. Mahon represents him as com-
petent to manage his own affairs, but thinks 10,000*l.* not too large a sum for the service of
inducing me to adopt that opinion, part of which is to be expended in managing, conducting
and obtaining the favourable reports of medical men of the first eminence as to the sanity
of Mr. Dyce Sombre. Unfortunately for Mr. Dyce Sombre, notwithstanding his expres-
sion of dissatisfaction, it appears that he is again in the hands of Dr. Mahon, but whether
under the old or some new agreement does not appear. I strongly suspect, however, that
he is as much the author of this petition, of January 1849, as he was of the former, and
that Mr. Dyce Sombre knew nothing of it for some time after the preparation had been 30
made for its presentation. I have stated it did not appear at what time Mr. Dyce Sombre
left England; if he left it soon after the Report of the 18th of November, he could not
have been a party to the proceeding I am about to advert to; and if he was in England, it
is clear the actors in these proceedings did not think it necessary to consult or communicate
with him on that, although the object was to have it believed that he was a person of sound
mind, and capable of managing his own affairs. The first document before me on this part
of the subject, is a letter from Lord Combermere to this Dr. Mahon, dated the 8th of
December 1848, which seems to contain the first suggestion of the letter to me, and which
must, I apprehend, have been written after some, at least, of the examinations by the five
physicians had taken place; the Petitioner stating that they took place between the 18th 40
of November and the 22d of December, and the letter dated the 8th of December, com-
mencing thus: “ I was much afraid that our friend would not stand a good examination; he

“is sane, but so exceedingly imprudent and obstinate, that I really see no prospect of his
 “emancipation. A paper to the following effect, and signed by Lord Downshire, Mr. Prin-
 “sep, myself, and many others might;”—it is part of the same letter—“might have some
 “weight with the Chancellor.” It then suggests what was adopted in the letter sent to me,
 and concludes thus: “I wish you would see Mr. Prinsep, and any other friends of the Colonel,
 “and state my opinion as to what is best to be done for the Colonel. I am glad to find that
 “you are likely”—that is, Dr. Mahon—“to have your just claims settled.” In this letter
 there is no allusion made to any further medical investigation, unless the first sentence does
 so, and no suggestion of any communication with Mr. Dyce Sombre; but in a subsequent
 10 letter to the same Dr. Mahon, dated the 10th of December 1848, Lord Combermere says,
 “The suggestion I wrote in a hurried manner a few days ago may be shown, as also my
 “letter to the medical men,” and concludes thus: “I shall be in London for a day or two
 “in January, and shall be glad to inform the medical men as to my opinion of the Colonel.”
 It seems that Dr. Mahon must have suggested something as to further medical investi-
 gation; it was part of his former contract, in consideration of 10,000*l.*, to manage, con-
 duct and obtain the favourable report of medical men of the first eminence. Mr. Dyce
 Sombre was examined by the physicians, I presume, selected by Dr. Mahon, but when
 the examinations took place I have no information, except that it took place between the
 18th of November and the 22d of December; but I cannot suppose that Mr. Dyce
 20 Sombre submitted to them with any view of applying again for a supersedeas, because in
 his letter to me of the 12th of January 1849, he not only makes no allusion to any
 such intention, but suggests and prays for some arrangement of details respecting his pro-
 perty, which would be perfectly useless if there had been any probability of the Commission
 being superseded, and premature if there had been any intention existing to make any new
 attempt for that purpose. The petition itself was not presented till the 29th of January 1849,
 and I am ready to believe, from the character of the gentleman, that everything, since the
 matter has been in his hands, has been regularly conducted; but although Mr. Shadwell has
 made two affidavits, one on the 16th of January, and the other on the 3d of March 1849, in
 the first of which he fully and satisfactorily explains the part he took in the petition of
 30 1848, he is totally silent as to what part he took, if any, in the petition of 1849, and on
 what was most material, the measures which preceded it; but that is not all, for he says in
 his last affidavit, that he was no party to the writing or sending the letter of the 18th of
 January 1849; that it was done entirely without his knowledge, advice, or direction, and that
 he never read the contents of the letter until after he received a copy of it from the Lord
 Chancellor's Secretary of Lunatics, and that every petition he had prepared in this matter
 had been done under the direction, and at the very importunate requisition of Mr. Dyce
 Sombre himself, and that he had from time to time received numerous letters from him,
 instructing him in this matter, and that he had throughout acted under those instructions,
 and by the advice of counsel in the matter. This leaves untouched the question, whether
 40 this petition is one of those alluded to; but assuming that it was so, the case remains the
 same, for after the case has been got up, and the medical opinions pronounced, it is not to
 be supposed that Mr. Dyce Sombre would have withheld his sanction to the presentation

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of the petition; but I cannot suppose that he knew anything of it at an earlier period, or that his solicitor or counsel had anything to do with it until it became necessary that the previous arrangements should assume a regular form. Finding then that this petition, though not presented till the 29th of January 1849, must have been contemplated early in December, and on the 22d of that month a former petition for the same purpose was, with the concurrence of the solicitor and the counsel for the Petitioner, dismissed; and the Petitioner and his legal advisers were not parties to the getting up of this case, but that it appears to have been got up and managed by Dr. Mahon, who, on a former occasion, had got the Lunatic to promise to give him 10,000 *l.* if he succeeded in superseding the Commission, by managing, conducting, and obtaining the favourable report of medical men of 10 the first eminence; and who, having failed, got from him 2,140 *l.*; and that the first step taken for effecting that purpose, in the expectation that it might have some weight with me, was to send me privately a letter, signed by several noblemen and gentlemen, and a certificate signed by five physicians of known and well-merited celebrity; I do not think I should be doing my duty to the jurisdiction I am exercising, and to the interests of the many unfortunate persons who are subject to it, if I should, on such a proceeding, give effect to any favourable opinion I might have formed on the real merits of the case. I am not, however, under the necessity of coming to any conclusion on that point; for if this proceeding had not been open to the many objections I have alluded to, I should still be of opinion that on the weight of evidence I ought not to supersede the Commission. 20

Before I enter on this part of the case, I beg that I may not be understood in what I have said or may say, as imputing to any of the physicians who signed the letter to me, any intention to deceive me, or to suggest that they do not respectively, honestly and sincerely entertain the opinions they have expressed: I have no doubt they do. But I have seen enough of professional opinions to be aware that in matters of doubt, upon which the best constructed and the best informed minds may differ, there is no difficulty in procuring professional opinions upon either side. If the question involves any theory or principle upon which the members of a profession are divided, the course is obvious; but on any other subject of doubt, any party seeking for pecuniary advantage to himself, to obtain an object 30 by managing, conducting, and obtaining the favourable reports of professional men, he would find no difficulty in procuring such favourable opinions. I have no information in what manner or by whom those five physicians were selected, or whether with or without any previous knowledge of their opinions on this particular case, or the tendency of any theory by which it might be influenced. For anything that appears, many others may have been applied to, and their opinions not taken, because they were not likely to be favourable, or, if taken, are not produced. There is no evidence that this was so, but there is no proof to the contrary; and the whole having been conducted privately, and without the knowledge of the parties who support the Commission, very little reliance could for those reasons be placed on opinions given under such circumstances; but I must look to the letter itself, and coming from five physicians, I should expect a medical opinion as to what appeared on 40 examination to be the state of mind of the party examined, but that forms a very small part of their report. They say that they have seen the reports of 1847 and 1848, and the short-

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hand writer's note taken on the latter inquiry ; but they say nothing of the many affidavits which constitute a most important part of the evidence in this case. It appears, however, that they did not confine their inquiries to what was so far a part of the evidence in the case ; but in order to explain away acts and opinions which had been treated as delusions and evidence of unsoundness, there was brought before them evidence of various kinds, of the truth and validity of which they could not have the means of judging, and which, the whole being *ex parte*, there could not be any means of testing, and some of which at least was evidently not to be trusted. For instance, on the subject of the legitimacy of Madame Solaroli, they refer to letters of Mr. Bere and Mr. Prinsep, for facts which they think will
10 explain the apparent delusion. So with respect to the imagined conspiracy of the East India Company, they assume a fact stated in a letter from Lord Combermere, and say that they are satisfied from documents they have examined, and which they had before them, that his suspicions might, under the circumstances of the case, arise in a very sound mind. As to General Ventura, they dispose of his case by a letter from Mr. Prinsep, stating his opinion as to the meaning of an Hindostanee expression, differing from what was understood of it by the Petitioner himself. So with respect to Mr. Dyce Sombre's unfounded jealousy of his Wife, they dispose of it by referring to a letter from Lord Combermere to Dr. Mahon, of the 8th of December 1848, in which he suggests that there should
20 be stated in the letter proposed to be written to me, that some of the undersigned, who are acquainted with Mrs. Dyce Sombre, are of opinion that her manners, &c., with men were such as to kindle unpleasant feelings in a breast less susceptible than that of the Colonel's. This passage was copied into the letter to me of the 18th of January 1849, and has produced contradictions from quarters entitled to perfect credit, and which leave no doubt on my mind of its being wholly unfounded. It has indeed been disclaimed by Lord Shrewsbury, and it is taken to himself by Lord Combermere in his affidavit of the 17th of February 1849, but in a very different form from that of the letter ; for he there says, " I am acquainted with Mrs. Dyce Sombre, who I always considered to be a person
" of unblemished character, but I have heard that her manner with men was such as might
" be likely to kindle unpleasant feelings in a breast less susceptible of jealousy than that of
30 " Mr. Dyce Sombre." This, which Lord Combermere in his affidavit states that he has heard, the five physicians, looking at his letter, must have assumed to be a fact, resting on the personal knowledge and observation of his Lordship, which is sufficient of itself to destroy the value of their conclusions upon this point. But I cannot pass over this part of the case without expressing my clear and decided opinion that there is not the slightest foundation for what Lord Combermere says he has heard ; for after anxious and repeated consideration of all the facts and evidence of the case, I think that not only does the conduct and manner of Mrs. Dyce Sombre appear to be irreproachable, but that her conduct under the most painful and cruel circumstances exhibits more patience and courage, affection for, and devotion to, her Husband, than the most ardent admirer of the female character could have
40 imagined possible. This document, thus founded on statements not proved, and assumptions, some of which are proved to be false, would be valueless as to any conclusion drawn from such premises ; but it contains other matters of observation which I cannot pass over. It

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states, the report of November 1848 is founded on grounds which might be admitted without justifying the conclusion that Mr. Dyce Sombre is insane ; and that the opinion of those who signed the report might be put aside on the ground that they do not involve any proof of the insanity ; and it afterwards states, that the appropriate proof of insanity consists of very different materials, which they have been unable to discover either in the reports of the referees or the depositions on which the last one was founded ; and after alluding to what they admit to be an existing delusion, namely, the imagined conspiracy of the East India Company, they say, "The impression, no doubt a delusive one, to which we are referring, "arose in his mind during the period in which he was treated as insane. It entirely falls in "with our experience, that delusive opinions thus founded and thus strengthened may survive 10
"the insane state ; and we are of opinion that we should act with very great injustice if we
"should consign a patient to a mad-house on the ground of his continuing to assert one
"morbid impression when the entire context of his character indicates sanity." It then states, that I had given Mr. Dyce Sombre full liberty of action abroad (which is directly contrary to the fact), and concludes thus : "But human endurance has its limits, and we fear
"that the pressure and annoyance to which Mr. Dyce Sombre is subjected, may ultimately
"lead, if persisted in, to mental aberration and bodily infirmity. Such, my Lord, are our
"reasons for affirming that the Commission under which Colonel Dyce Sombre is controlled
"ought to be immediately superseded." It must be recollected that it had been but a few lines before stated that Mr. Dyce Sombre had been allowed the uncontrolled use of the surplus of 20
his income, and full liberty of action abroad. Such are the opinions to which all the five physicians have affixed their names. In their affidavits, some, particularly Dr. Paris and Dr. Ferguson, do not go so far, but others go further ; and Dr. Costello says, "It does not
"consist with experience that persons labouring under delusions of the intellect should be
"able to conceal such delusions for a length of time under harassing, frequent, and pro-
"tracted examinations, the party being in fact incapacitated for such an effort by the very
"nature of his mental affection." It is not easy from those opinions thus expressed to ascertain what is really meant, when it is stated that what has been supposed to be delusions are capable of explanation, and are not proof of unsoundness of mind ; and it would seem that an opinion was intended to be expressed, that Mr. Dyce Sombre never was the proper 30
subject of a Commission. If they had known something more of what had taken place, and particularly if they had read the judgment of Lord Lyndhurst in August 1844, in which the facts are put together, and observed upon with the greatest accuracy, and with his characteristic precision and clearness, such an opinion would not have been hazarded ; but possibly this, though clearly expressed, was not intended, because in commenting on a now admitted existing delusion, namely, the supposed conspiracy of the East India Company, they treat it as not being evidence of unsoundness, because they say it falls in with their experience that delusive opinions thus formed and thus strengthened, may survive the insane state. If such be the opinion intended to be expressed, there can be no wonder felt as to the conclusions which those gentlemen have expressed as to the absence of all unsoundness in 40
Mr. Dyce Sombre's mind, but such opinions will have no effect in supporting the advice which those gentlemen have given me at the close of their letter, that the Commission ought

to be immediately superseded. There is often great difficulty in ascertaining whether there exists unsoundness of mind of a character to subject the party to the operation of a Commission, but when the jury have affirmed that proposition by a verdict unquestioned, the Great Seal has been most cautious in superseding it. Cases continually arise in which it is done; but although delusions, and even general insanity may exist, and yet the Great Seal may withhold a Commission if it is not required for the protection of person or property, yet upon application for a supersedeas very different considerations regulate the discretion of the Court. There may be no proof of the disease at the time, but it may be likely to recur, and it may still exist, but the patient may have the power to conceal it. The permanence of the restoration may be doubtful, and time is then taken for the proof of experience. But without anticipating what may be proper to be done in any case that may hereafter arise, I have not in my recollection, any case in which a Commission has been superseded when any distinct delusion continued; and when the physicians tell me the existence of a delusion is not inconsistent with soundness of mind, they appear to me to consider the delusion as a separate disease, whereas, in fact, it is only a symptom or result of a diseased mind, and may exhibit itself more or less distinctly; but so long as it exists at all, there must be an unsoundness, the origin of its existence; when therefore they tell me that notwithstanding an existing delusion the mind is sound, and the Commission ought to be superseded, they appear to me to involve themselves in a contradiction in the duty they undertake to perform, which, if otherwise decorous, would invalidate the advice they offer to me as to the expediency of superseding the Commission. But what is the existing delusion supposed to be consistent with a sound mind? Why, that Mr. Dyce Sombre, having certain real or supposed claims against the East India Company, they have conspired against him; and for what purpose? To induce an incestuous connexion between his Father-in-law and his Wife, of whose purity and virtuous conduct he is supposed to be now convinced; and it must be recollected, this delusion has led to challenges from Mr. Dyce Sombre to several of the Directors of the East India Company, and from his letter to me of the 12th of January 1849, it clearly appears that he was at that time under the influence of the same delusion, thinking that Sir Richard Jenkins was acting in the prosecution of the supposed conspiracy, and, to forward such object, had abstracted two of his boxes. There is now also before me evidence upon the subject, the most important, and most distressing in its consequences, of the delusions under which Mr. Dyce Sombre has laboured with respect to the imagined infidelity of a faithful and virtuous Wife. The most satisfactory proof of the recovery from an unsound state of mind is the conviction of the non-reality of the delusions which arose from the disease. A denial, often resorted to for a particular purpose, of their continuance, against evidence that they exist, or an attempt to explain them as not unreasonable unless very satisfactorily made out, not only does not lead to any conclusion of recovery, but leaving the evidence of unsoundness untouched, shows only the ingenuity in concealing the infirmity which, notwithstanding the opinion of the five physicians, is certainly often found to coexist with it, and this ingenuity is clearly possessed and practised by Mr. Dyce Sombre.

In his letter to me of the 12th of January 1849, in commenting on several of the opinions attributed to him as delusions, he attempts to explain and justify them, and does not admit

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V. 1. 176. supra
where Sir R.
Jenkins says
he was challenged
in 1739 from
the only grounds
of offences
- regarding his
claims - as
Chancellor of
S. D. C.
This delusion
could not have

led to challenges - for, it did not exist - & his hot angry manner
& become palams till after Sept. 1840

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any conviction of their having been delusions. If, therefore, they ever were so, they still remain the same. Such is the case with regard to Lord Ward. Mr. Dyce Sombre had known Lord Ward in England; he had met him at Lord Shrewsbury's. He states that, seeing him in a library at Rome, he went up to him and addressed him as Lord Ward, speaking to him about the Begum's monument, and offered him 200*l.* for his assistance. At this time Lord Ward was not at Rome; but in his letter to me, of the 12th of January 1849, he says, "I certainly saw the same Lord Ward, or rather whom I had taken for Lord Ward some years before," but as to the Lord Ward whom he first knew, there could be no mistake, because he met him at Lord Shrewsbury's. All that he supposes to have passed at Rome was probably the creature of his own disordered imagination, but he still believes 10 it to be real. Similar observations apply to his challenge to Prince Doria, at Rome, for a supposed insult in London, at a time when the Prince was not here, and the other subjects commented on, but I particularly allude to the delusion respecting Mrs. Dyce Sombre. It is true that, when examined, he has not of late persevered in the opinions he for a long time expressed on that subject. This may arise from two causes: he may have been told, or he may himself have since discovered, that this was the point most relied on in support of his supposed unsoundness of mind, in which case he would disclaim any such opinions as now existing, though he would justify their having been at one time entertained, and this is precisely what he has done. The language he uses is, "You and every one tell me that it is "not so, and therefore I have done thinking about it;" and those who now attempt to 20 establish his soundness, though, of necessity, admitting that there was no real foundation for the impression, attempt to show that there was so much of apparent ground for it as to remove from it the character of a delusion. Beyond all doubt, it was a delusion of a most extravagant kind; but is he, in the second place, now convinced that it was so? The facts before me prove, in my opinion, that he not only is not so convinced, but that he professes now not to believe in it, because he thinks that, by such profession, he may facilitate the supersedeas which he has in view. He professes to be influenced in the language he now uses by the opinions of others and not by his own, and in his letter to me, of the 12th of January, he disputes the accuracy of the report of the 18th of November, as to the time attributed to what he calls a change of opinion on this subject, but does not profess any 30 sense of the opinion having been a delusion. But what strikes me most upon this subject, is the meeting between Mr. and Mrs. Dyce Sombre on the 10th of November last. If the disease then continued, and the delusion was still in operation, Mr. Dyce Sombre went to that meeting with the feelings of an injured Husband, to see once more a guilty Wife, for the purpose of some final arrangement for their separation. If the disease had ceased, and the delusion continued only in his recollection of what was not real, but which had possessed for a time his deranged mind, he must have felt all that would touch the heart of a man meeting, for the first time, a Wife devoted to him, and whom he had tenderly loved, but whom he had, under the influence of a diseased mind, most cruelly treated; whose life he had attempted, whose reputation he had endeavoured to destroy, accusing her openly, and as he 40 must have felt, without the slightest cause, of the most odious of crimes. Let any one consider what must have been the feelings and conduct of any man under such circumstances,

and then read the account of the meeting, and it will be impossible to come to any other conclusion but this, that the delusion continues in full force, but that, from motives of policy towards himself, he abstains from exhibiting evidence of it.

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Such is the new evidence now before me to be put in competition with the report dated the 18th November last, made by gentlemen who have been acquainted with all the circumstances of Mr. Dyce Sombre's life from the commencement of the malady. I abstain from making any further comments on the manner in which the present proceeding has been brought before me, or from making any more of the many observations which arise from the papers now submitted to my consideration. I have no difficulty in abiding by the report of the
10 18th of November, which, from what has since taken place, seems to me strongly to confirm. I must dismiss this petition, and if I had the means of making those pay the costs of it from whom it originated, I should dismiss it with costs; but as the matter stands, I cannot say anything about the costs. But I must give one piece of advice to Mr. Dyce Sombre before I conclude. He must not, in the first place, suppose that the door of the Court is shut against him because this petition is dismissed; any application that he may make himself will be carefully attended to, and as soon as it can safely be done, the Commission will be superseded. The only operation of it at present is to protect the capital of his property, the whole surplus income being ordered to be paid to him, and if there be any irregularity in such payment, or anything improper in the management of his property, any applications to
20 remedy the evil will be attended to; but I am sorry to say that these discussions have brought out instances of such reckless expenditure of his income, that it may be a matter for consideration whether I have not gone too far in ordering the whole of his surplus income to be paid to him when I find a contract to pay 10,000*l.* to Dr. Mahon, dependent on the success of the supersedeas, and above 2,000*l.* paid upon failure; and when I find offers of bribes to judges, physicians and others, which can only be excused on the plea of insanity, being, on any other supposition, attempts to corrupt, and, possibly, at the same time, to deceive. I cannot but doubt whether I ought not to establish a more vigilant superintendence over the expenditure of his income. I should be very unwilling to do so, and I trust I shall not find any reason hereafter for so doing; above all, I would advise Mr. Dyce Sombre
30 to act under the direction of his professional advisers, and no man can be in better hands, and no others can more effectually serve him than those who now act for him professionally. If he confides to such men, he will be sure to obtain all that, under the circumstances, it will be possible for him to obtain, all, in short, that is consistent with his own interest, and that, at an expense far less than he will incur if he continues the ruinous system in which he appears to have been involved.

AFFIDAVIT OF MADAME SOPHIE DE GREFEUILLE.

Affidavit
of Madame
Sophie
de Grefeuille.
Sworn,
11th October
1850.

I, SOPHIE DE GREFEUILLE, Widow of Monsieur Noviot, and at present residing at No. 12, Rue de Choiseul, Paris, in the Republic of France, make oath and declare and say, That I formerly made an affidavit in the above matter, on the 10th day of July 1847, and that when I made that affidavit I considered the said David Ochterlony Dyce Sombre to be in the enjoyment of his intellectual faculties. And I say that since the said 10th day of July 1847, the said David Ochterlony Dyce Sombre has lived at my house whilst he has been at Paris, except for about three months, when my apartments were engaged on his arrival there. And I say that I let to him the apartments he occupied at No. 10, Rue Castiglione, and at No. 2, Rue des Pyramides, Paris, and that he lived at No. 2, Rue des Pyramides more than 10 once, and was there for more than six months in the present year, up to the end of July last, when he quitted Paris for Bruxelles. And I say that I saw the said David Ochterlony Dyce Sombre almost every day whilst he was living at my house, and also whilst he was living at the Rue Castiglione and the Rue des Pyramides, up to the time of his leaving Paris, at the end of last July. And I say that since the 10th day of July 1847, I have had the time and opportunity of judging well of the state of mind of the said David Ochterlony Dyce Sombre, and of the things he has done, and I declare with a firm conviction of the truth of what I say, that I now consider the said David Ochterlony Dyce Sombre quite mad, and out of his senses, and that he is even at certain times a very dangerous lunatic, and very likely in his frenzy and anger to kill any one, particularly at the spring and autumn 20 of the year, at which periods I have observed that he is usually most violent and excitable. And I say that at the beginning of the summer in the present year, the said David Ochterlony Dyce Sombre requested me to make another affidavit that I thought him sane. And I say that I refused to do so, and told him that I considered him quite mad, and that I would at once retract the affidavit I had already made for him, if I could do so. And I say that after that he several times asked me to make an affidavit for him, and that I always refused to do so, and told him that I could not swear to what I very well knew to be false. And I declare that I have often seen the said David Ochterlony Dyce Sombre for several hours together in the course of the day, and particularly in the present year, up to the time he left Paris, and during the times I have been with him, he always talked a great deal to himself, 30 looking at himself in the looking-glass, and he would then break out into loud laughter, and then begin to cry, and at these times he threw his arms about a great deal, and made many gestures, and swore a great deal, in English. And I have often heard him say, "God "damm, God damn : blackguard !" "Allez au Diable !" And I say that I often asked the said

David Ochterlony Dyce Sombre why he swore so, and made such gestures; and he has always replied, because his Wife had deceived him, and had another man, and that she was “a wicked woman,” and had given him a great deal of chagrin; and after such statement he would admire himself in the looking-glass, and then laugh loudly, in a very imbecile manner, and say that he was “a good fellow,” and “a handsome man.” And I say that when I have been in the bed-room of the said David Ochterlony Dyce Sombre, of a morning, waiting till he got up, and thought he was asleep, he has constantly jumped out of bed, and without my having spoken or said a word to him he has begun swearing, laughing, and making faces as usual. And I declare that the said David Ochterlony Dyce Sombre has often complained

10 to me that there were people who wished to assassinate and kill him; and he has desired me to change the lock on the door. And I say that he has several times made such complaints to me in the present year; and I always told him that I changed the locks, and he believed I had done so, although I never did anything at all to them. And I say that I have often reasoned with him on the foolishness of his suspicions, and assured him that there was no one who wished to assassinate or hurt him; and he always replied that I was a fool, and did not know what I was talking about, and that he was quite certain there were people who wished to kill him. And I say that the said David Ochterlony Dyce Sombre, when he was staying at my hotel, has often told me that there were people who wished to poison him; and he has made me taste many dishes before he would touch

20 them. And I say that whilst he was living in the Rue des Pyramides, during the present year, he has often told me in confidence that he was quite sure they wished to poison him; and I have at such times always told him that it was not so, and that he was mistaken; but he was always very dissatisfied because I did not believe it, and continued to declare that there were persons who wanted to poison him, and that I was a fool for not believing it also. And I say that the said David Ochterlony Dyce Sombre has very often told me that he had pains in his head, and has begged me to press his head, and that my doing so relieved him; and I have always remarked that whenever he complained of these pains in his head that he was more violent and excitable than at other times, and particularly that he complained a great deal of the pains in his head in the spring and autumn. And I say

30 that I have very often, indeed, I may say almost every day, seen the said David Ochterlony Dyce Sombre very violent with his servants, and strike them with his fists, and with a stick; and he was always at these times very excitable, and swore a great deal; and the servants usually appeared very frightened, and got away from him; and many servants have left his service for this very reason; and during the present year two that I recommended to him have left, on account of his striking them, and behaving so badly to them. And I say that on going to the apartments of the said David Ochterlony Dyce Sombre I have often seen women there, even of the very lowest class; and I have also often found the said David Ochterlony Dyce Sombre quarrelling with them; and I have seen him at these times put himself into a great rage, and strike them, both with his fist and stick,

40 and swear a great deal at them, and I have many times interfered and protected them from his violence. And I say that I have very often seen the said David Ochterlony

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Dyce Sombre disputing in the evening with coachmen, and seen him strike them with his cane, and be very violent, and swear a good deal at them; and I have seen coachmen strike him in return, and I have sometimes been obliged to interfere and protect him from coachmen who would otherwise have overpowered him. And I say that I have often seen the said David Ochterlony Dyce Sombre insult respectable women in the Rue de Rivoli, (which is one of the principal streets in Paris, and leads from the Rue des Pyramides), even when they have been walking arm-in-arm with their husbands or other gentlemen; and on such occasions, when the gentleman has turned round, and threatened to strike him, the said David Ochterlony Dyce Sombre has put himself into a passion, and become furious, and shook his cane at him; and I have gone up to gentlemen, and begged them not to take any 10 notice of the matter, as he was out of his mind; and several gentlemen have then told me that he ought to be locked up, for that he was evidently dangerous; and I know that many of them have complained on the subject to the police. And I say that often, and particularly this year, the said David Ochterlony Dyce Sombre has been very violent with me upon the slightest causes, and he has often struck me with his fists and stick, and if I had not protected myself, would have injured me. And I have threatened him that I would complain of him to the police; and he has often frightened me so much by his violence that I have been obliged to get away from him, and run into the porter's lodge. And I say that one day in the beginning of last July, I called upon the said David Ochterlony Dyce Sombre, at the Rue des Pyramides, between two and three o'clock; and on my remarking to him 20 that almost all the furniture in the rooms was broken, and that he must pay for it, as he was about to leave Paris, and I should be obliged to buy new furniture, he told me he would not pay for it, and then jumped out of bed like a madman, threw himself upon me, caught hold of me by the neck, and tried to strangle me. And I say that I screamed out, and that his servant ran in and got him away from me; and I can positively declare that I never was so frightened in my life as I was then; and I am sure that the said David Ochterlony Dyce Sombre would have done me some serious injury if his servant had not come to my assistance. And I say that on the following day I again called upon the said David Ochterlony Dyce Sombre, accompanied by Mr. Paul, who I believe is his lawyer; and that when I entered the dining-room I heard the said David Ochterlony Dyce Sombre talking, and 30 supposing that he had somebody with him, we waited, and after waiting for some time I opened the door of the bed-room, and found the said David Ochterlony Dyce Sombre quite alone, sitting up in bed, cutting out little figures in paper, and laughing and talking to the figures, and crying; but when he saw me he at once became furious, and again tried to strike me; but Mr. Paul interfered and told him that he behaved very ill, and that nobody but a madman would behave as he did; and he was then very angry with Mr. Paul, and swore at him a good deal. And I say that two or three days afterwards I again called upon the said David Ochterlony Dyce Sombre, to request him to pay me for my furniture, and that I found Lord Sussex Lennox with him. And I say that the said David Ochterlony Dyce Sombre became very angry and violent, and swore a good deal, and tried to strike me; and Lord 40 Sussex Lennox protected me from him, and prevented him from hurting me, and told the said

David Ochterlony Dyce Sombre that if he struck me he would put himself in a bad position ; and he endeavoured to soothe him ; and the said Lord Sussex Lennox told me that he himself would arrange the matter with me. And I say that he did not do so, and that I laid a complaint before the justice of the peace, and the said David Ochterlony Dyce Sombre was ordered to pay me ; and when the officer of the Court went to the said David Ochterlony Dyce Sombre for the money, he locked himself up in his rooms, and the officer was obliged to fetch the Commissary of Police ; and that on the arrival of the Commissary of Police the said David Ochterlony Dyce Sombre still refused to open the door, and he (the Commissary) then sent for a locksmith, who took the lock off from the door, and that

10 then the Commissary of Police entered the apartments, and the officer made a seizure of the effects of the said David Ochterlony Dyce Sombre. And I say that the said David Ochterlony Dyce Sombre drinks a great deal of brandy in the evening, and that he gets very drunk every night. And I say that since the commencement of the present year the said Lord Sussex Lennox, and other gentlemen, usually called upon the said David Ochterlony Dyce Sombre, in the evening, once or twice a week, and played cards with him, and that sometimes they have stopped till the following morning. And I say that amongst these gentlemen were persons who are looked upon in Paris as "sharpers" and "cheats ;" and the police have sometimes called upon the said David Ochterlony Dyce Sombre, and warned him not to play, because they said they knew he had then, in his rooms, men who played unfairly.

20 And I say that I have often told the said David Ochterlony Dyce Sombre that he was cheated and robbed. And I say that I have been with the said David Ochterlony Dyce Sombre in the day-time, when the said Lord Sussex Lennox has called upon him for payment of money he has won the night before ; and I have also been sometimes present when another gentleman, whose name I do not know, has called upon the said David Ochterlony Dyce Sombre for payment of money he has won the night before ; and the said David Ochterlony Dyce Sombre has, on such occasions, told me after they were gone, that he had lost a great deal the night before ; and I then used to tell him that he should take my advice, and not play, because I was quite sure that he was cheated. And I say that one day in the month of May or June last, the said David Ochterlony Dyce Sombre went in the

30 afternoon to a fête at Versailles with the said Lord Sussex Lennox, and that on the following day the said David Ochterlony Dyce Sombre told me he was very ill, and that he had dined at Versailles, with the said Lord Sussex Lennox and several other gentlemen, and played cards afterwards, and that he (Dyce Sombre) had lost a very large sum of money. And I say that within the last year or so the said David Ochterlony Dyce Sombre has become very dirty in his habits, and seldom used a chamber-pot, but used to make water on the carpet, and that all the carpets in the Rue des Pyramides were, in consequence, spoilt. And I say that I have often seen the said David Ochterlony Dyce Sombre make water against the walls, and in the corner of the salon, and that I have been obliged to leave the room in consequence. And lastly, I say that I have now known the said David

40 Ochterlony Dyce Sombre for upwards of five years, and that for some time past, and particularly latterly, I have seen with regret that his mind is becoming more feeble than ever ; and from my observation of him, I am convinced that, although he is very exact and par-

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ticular in small accounts, and bargains a good deal about them, he ought not to have large sums of money placed at his disposal, because any one might make him sign his name to papers, and rob him at night, when he is always drunk, and does not know what he is doing.

SOPHIE DE GREFEUILLE NOVIOT.

Sworn at Paris, on the 11th day of October 1850,

Before me,

Her Britannic Majesty's Consul at Paris,

THOMAS PICKFORD.

Affidavit of FREDERICK CHRETIEN FUHRBERG.

10

Affidavit
of Frederick
Chretien
Fuhrberg.

Sworn,
27th January
1851.

I, FREDERICK CHRETIEN FUHRBERG, of No. 55, Rue de Miromenil, Paris, in the Republic of France, make oath and say, that I lived with the said David Ochterlony Dyce Sombre for one year and nine months, as Valet de Chambre, and I quitted his service on the 11th day of January instant; and, during the time I was in his service, I saw him continually day by day, except for about a week in the middle of last year, when I was in England. And I say that the said David Ochterlony Dyce Sombre used constantly to talk to himself, when he was alone, and also when I have been with him, in a very loud voice, and very incoherently, and then all at once laugh very much; and he always appeared to be talking to, and very angry with somebody, and to swear a good deal at them, and frequently he became very excited, and threw his arms about as if striking at somebody. And I have often, at these 20 times, heard him say, "God damn, God damn you, you Son of a Bitch; you say that, but "I cannot understand it; you are a Son of a Bitch; I will show you that you are a "Blackguard;" and then he would begin to laugh, and then to swear again. And I say, that I have often seen the said David Ochterlony Dyce Sombre looking at himself in the looking-glass, and talking, and laughing, and swearing very much at the same time, and making strange grimaces; and I have often heard him doing so whilst he has been lying in bed, and making a great noise; and he used always to be talking to himself, and laughing, and swearing when he was travelling in his carriage, and alone. And I say that the said David Ochterlony Dyce Sombre used to lie in bed a good deal in the day-time, and seldom or ever went out before five or six o'clock in the evening. And that he often had women of 30

the town to call upon him in the day-time, and he frequently quarrelled with them, and, on these occasions, I have seen him very violent and excited, and swear and shake his fists at them, and threaten to strike them. And I say that coachmen who used to drive the said David Ochterlony Dyce Sombre about in the evening, have often told me that the said David Ochterlony Dyce Sombre has behaved very strangely when they were driving him, telling them first to drive to one place, and, as soon as they have got to where he has directed them to go, he has declared that they have driven him wrong, and has ordered them to go back again, or to go somewhere else, and that they have often driven him about from place to place without knowing where he really wanted to go; and the coachmen have told me that he

10 has always, on these occasions, been very angry, and sworn at them a great deal, and threatened to strike them, and one coachman told me that he behaved so badly, that he turned him out of the carriage. And I say, that the said David Ochterlony Dyce Sombre has often been very angry with me without any occasion, and he then swore a good deal, and was very excited; and he has frequently attempted to strike me, and he has often done so; and I have been obliged to defend myself; and he would often ring the bell for me, and, on my entering the room, he would point with his finger to a table, on which there was a dressing-case, and a great many other things, and books; and if I did not give him the thing which he happened to want, he would say "You are a fool," and point his finger again, and so on, until I gave him the thing he wanted; and if I did not chance to take up the

20 thing he wanted soon, he would get very angry with me; and if I asked him what he wanted, he would say "I want a knife," or whatever else it might be, "God damn you, you "Son of a Bitch." And the said David Ochterlony Dyce Sombre used often to ring the bell, and on my going into his room, he would tell me to put things away which were on the table, and near him, and on my doing so, and leaving the room, he would ring again, and then ask me why I put them away, and tell me to bring them to him, and, on my saying that he had told me to do it, he would say, "No, sir, I did not; damn you, you are a fool." And I say, that the said David Ochterlony Dyce Sombre is very dirty and disgusting in his habits, and often makes water about the room, and on the carpets, and he spits about the room a good deal, and also on the walls, and generally "*faisait son besoin*" in a pot de chambre in his

30 sitting room, seldom or rarely going to the water-closet, although it adjoined his bed-room, when he lived at the Rue des Pyramides. And I say, that the said David Ochterlony Dyce Sombre drinks a great deal of brandy in the evening, and at night, and that he is generally drunk every night, and often very drunk indeed, so as not to know what he is doing. And I say, that he has often asked me what I have put in the brandy, or what kind of brandy I had brought him, for it had made him quite ill, and he has frequently sent me to change it, and I have taken it away, and then brought the same brandy back to him again, and he has drank it without complaining; and the said David Ochterlony Dyce Sombre has often complained to me that I had put something in the meat and dishes that he has had for breakfast, and has refused to eat them, and sent them away; and I always told him that

40 I had not put anything in them, and offered to taste them myself, but he would not believe it, and said he was sure I had put something in them to hurt him; and he has often complained to me, after he has finished his breakfast, and also in the evening, that I have

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Chretien
Fuhrberg.

put something in the breakfast, and that it had hurt him and poisoned him. And I say, that the said David Ochterlony Dyce Sombre used frequently to complain of pains in his head, and to press his hands to his forehead a good deal, and used often to make me press his forehead with my hands, and to say that it relieved him from the pains. And I say, that frequently in the evening gentlemen used to call upon him, and play cards with him, and, among others, Sir Howard Elphinstone, Mr. Cochrane and Count Perelle, and that he was generally drunk when he played, and sometimes so drunk as not to know what he was doing, and they have stayed playing all night, even as late as five or six o'clock in the morning, and there has frequently been a good deal of quarrelling among them during the night. And I say, that the last time I knew of the said David Ochterlony Dyce Sombre's 10 having played cards was one night, a short time before he left Paris, in August last, when about four to five o'clock in the morning, there was a great row and quarrel between the said David Ochterlony Dyce Sombre and the gentlemen who were playing with him, and they came to blows; and the said David Ochterlony Dyce Sombre was very angry. And I say, that sometime in the early part of last year, Madame de Greffuille, of whom the said David Ochterlony Dyce Sombre rented his apartments in the Rue des Pyramides, told me that the police had complained to her of the gambling which they said they knew took place in his rooms, and also had warned her of the character of some of the men who were calling upon him in the evening. And I say, that last winter the said David Ochterlony Dyce Sombre has sometimes complained to me in the morning that his feet were sore and blistered, 20 and on my asking him how it was, he said he did not know, but supposed I had put something in the shoes, and on my examining the shoes, I have found nothing the matter with them, or likely to blister his feet, but I supposed he had burnt them, as he used frequently in the evening, when he was asleep and drunk, to sit before the fire, with his feet on the fender, without shoes or stockings. And I say, that at a little village in Sweden, where the said David Ochterlony Dyce Sombre slept for a night during his late tour, he complained to me in the morning of his right foot being bad and blistered, and said he could not think how it came so; and, on my looking at his boot, I found the toe and sole of the boot burnt in a corresponding place; and I supposed he had fallen asleep before the fire and burnt himself. And I say that when we were in the south of France, near Tours, 30 on our return to Paris in December last, the said David Ochterlony Dyce Sombre complained to me one morning of his other foot being sore and blistered, but I did not find any burn in his boot, and I supposed he had fallen asleep before the fire without his shoes and stockings, and burnt himself. And I say that when I left the said David Ochterlony Dyce Sombre on the 11th of January instant, there were large sores on each of his feet, and he walked very lame, and had a medical man to attend him in consequence. And I say that I have frequently, in the morning, found the said David Ochterlony Dyce Sombre's robe de chambre burnt and singed at the bottom, and supposed it was done whilst he was sitting before the fire. And I say that I left Paris with the said David Ochterlony Dyce Sombre on a tour, on the 2d of August last, accompanied by his other servant, Charles Schober, who has lived 40 with him about 18 months. And I say that whilst we were waiting, in the middle of the day, in the court yard of the railway station at Vervier (which is between Bruxelles and

Cologne) for the next train, the said David Ochterlony Dyce Sombre walked up and down in the court, in which there were also a great many people, talking loudly to himself, as usual, and laughing and making grimaces, and fencing about with his cane as if fighting with somebody, and appeared to be very angry with somebody, and the people were very much astonished, and stared and laughed at him a good deal, and came and asked what was the matter with him, and on my saying that he was a little wrong in his head they said it was very improper to let a man like that go about alone without a doctor or a companion; and to get him away from the people I went up to him and told him that I thought the train would soon be coming, and that he had better get into his carriage, which he did, and the people then walked up
10 and down the platform staring at the carriage, but they could not see him as the carriage was on a truck and raised up, but they could hear him laughing and talking to himself. And I say, when we were about to leave Berlin, where we had stayed a few days, we arrived in the middle of the day at the railway station too late for the train, and the said David Ochterlony Dyce Sombre was, in consequence, very angry with me, and declared it was my fault (although I had been trying all the morning to get him up in time), and endeavoured to strike me before the people belonging to the station; and he then went back to Berlin, and as soon as he reached the city got out of his carriage and walked up the street, and all at once began to talk very loudly to himself, and make grimaces, and flourish his stick about, and soon collected a crowd, which followed him about, laughing, and whistling, and hooting
20 at him, and he went into a grocer's shop and stared about him without speaking to the master of the shop, and then walked out followed by the crowd, and shortly after got into a restaurant's, where he remained, and the crowd dispersed. And I say that whilst in Sweden, we one day arrived by the canal boat at a small town, the name of which I do not remember, and on our reaching the quai there were a great many people waiting to see the boat come in, and on the passengers leaving it the said David Ochterlony Dyce Sombre and myself and the other servant remained on board, on the deck, and he all at once began, without any cause, to talk and laugh to himself, and make grimaces as usual, and to flourish his stick about a good deal; and the people who were waiting on the quai laughed, and hooted, and whistled at him; and after he had been going on in this way for ten minutes or
30 so I went up to him and asked him if he would not land and get some dinner, and, without answering me, he then landed, but the crowd could not follow him, as they could not pass a barrier which was so placed as to allow passengers to land without being followed. And I say that I did not go up to the said David Ochterlony Dyce Sombre when he began to talk to himself at first, hoping he would leave off, and also being afraid that he would strike at me and make a greater commotion than there was before. And I say that during the whole of the tour the said David Ochterlony Dyce Sombre was continually disputing with the landlords of hotels at which we stopped, and with the postmasters, and that he was generally, when so disputing, very violent and angry, and swore at them a good deal; and they were always asking me if he was not mad, and saying that he ought not to be allowed
40 to travel alone. And I say that during the tour the said David Ochterlony Dyce Sombre used always "*de faire son besoin*" in the pot de chambre either in his bed-room or sitting-room, and also to make water about the rooms and on the floors, and the people of the

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hotels used to complain very much of it, and say he was a "Cochon." And I say that when we used to arrive at hotels on the road, and the landladies or other women, according to the foreign custom, came out to receive us, the said David Ochterlony Dyce Sombre used generally to get out of the carriage and, without saying a word, open his trousers and expose his person and make water before them, and he would also do the same thing on arriving at post-houses, no matter who were present and looking at him. And I say that he used often to stop the carriage when he was travelling post, and get out and let down his trousers and "*fait son besoin*" in the middle of the road or by the side of the foot-path, and whilst he has been doing so, diligences, and carriages, and carts, and foot passengers have, at times, passed by. And I say that there were always places close by that he might 10 have gone behind if he had wished, where he would not have been seen by anybody; and I have also seen him do the same thing three or four times in the sides of streets by cottages in little villages. And I say that when we were going from Gottenbourg to Stockholm by the canal, as soon as we got into the steam-boat the said David Ochterlony Dyce Sombre sent me to find out where the "Cabinet" was, but I could not do so for a minute or two, as I had to pay for the carriage and could not speak the Swedish language; and after paying for the carriage I went to the captain, who spoke French and English, and asked him where it was, and he sent some one to show it to me, and on my going down to the cabin to tell the said David Ochterlony Dyce Sombre where it was, I saw him sitting on a pot de chambre with his trousers down, in the passage between his cabin and the saloon 20 where the passengers pass up and down, and the people were very angry and sent for the captain, who came down and told him that he was a "Sale Cochon," and that he would not allow such behaviour; and the said David Ochterlony Dyce Sombre got very angry and swore at the captain, who was going to send him on shore, but I interfered and said he was ill and could not help himself. And I say that he might have gone into his cabin, which was large enough, and done it there, because he had to get the pot de chambre from the cabin. And I say that when we were at Cautenae, which is the first post-house after leaving Brioe on our return to Paris, on the 24th day of December last, and after the horses were put in and we were about to leave, I was holding the heads of the leaders, as they were jumping about a good deal, the said David Ochterlony Dyce Sombre was very angry 30 with me because I had answered him whilst he was swearing at me a short time before, and then jumped out of the carriage and struck me twice over the arm with his stick, and I pushed forward to catch the stick, when he fell down and I took it away from him, and he then got up and wanted it back again, but I would not give it to him, and the people who were standing by came round us and cried out to me, "Knock him down, knock him down," and he then got into the carriage and I gave him the stick and we drove off. And I say that whilst we were at Limoge, in France, the said David Ochterlony Dyce Sombre was sitting in the *salle à manger* (in which there were several people dining) waiting for his dinner, and on my going into the room to ask him for the posting-money he gave me the money and told me to go and bring him a pot de chambre and put it in the corner of the 40 room, and I went out and paid the postilions and then returned and told him that I could not bring a pot de chambre into the room in which people were dining and no screen, and

that if he would please to go out there was a court close by, and I left the room to get a candle to light him, when he followed, swearing at me and trying to strike me; and the following morning he wanted to send me away without paying my wages and what I had spent on the road, and on my saying that I could not go without my papers and passe-port, he got up and struck at me, and I was obliged to defend myself, and in pushing him away he fell down, and the other servant happening to come in at the moment, he helped him up, and the said David Ochterlony Dyce Sombre then told me to come with the carriage to Paris, but that he would not pay me. And I say that since the said David Ochterlony Dyce Sombre has returned to Paris he has taken two new servants. And I say that for
10 some time past the said David Ochterlony Dyce Sombre has become very feeble and has had very bad health, and although I have always considered him to be out of his mind, I consider him now to be worse in every respect than he was when I first went to live with him.

Affidavit
of Frederick
Chretien
Fuhrberg.

FREDERICK CHRETIEN FUHRBERG.

Sworn at Paris, in France, on the 27th day of January 1851,

Before me,

Her Britannic Majesty's Consul at Paris,

(L.S.) THOMAS PICKFORD.

MR. DYCE SOMBRE TO THE LORD CHANCELLOR.

20 My Lord,

Paris, Hotel du Rhin, Place Vendome,
20 May 1851.

I HAVE heard from Mr. Shadwell the appointment of Drs. Latham and Babington for my examination. I am very sorry to hear the selection of the latter, but I most respectfully protest against his appointment, for I believe him to be a relative of Mr. Macaulay, the late or the present Minister of War, and who had been out in India, as a Member of the Supreme Council in Calcutta.

Mr.
Dyce Sombre
to the Lord
Chancellor.

I am sorry to be compelled to enter into these details; but when I was in Calcutta I got into some angry discussions with Mr. Macaulay about my Father's affairs; this is one of the reasons, my Lord, why Mr. Babington's name should be withdrawn. But this is not all: Mr. Trevelyan, who has married a Sister of Mr. Macaulay's, in a letter addressed to the

Mr.
Dyce Sombre
to the Lord
Chancellor.

Court of Directors of the East India Company, dated the 19th August 1850, he writes thus,—

“ The Honourable Court of Directors are aware that I served them for 12 years in India, in the Political Department, to which belongs the management of our relations with Native Chiefs and States.

“ During the first six years I was attached in various capacities to the Residency at Delhi, at which period I was in constant official and social communications with the late Begum Sombre; and during the last six years I was Deputy Secretary to the Supreme Court of India, and was occasionally in charge of my department.

“ My acquaintance, therefore, with the history and character of the Begum Sombre, and 1
“ with the habits of her household, was necessarily great, and I was for the same reasons in frequent communication with the gentleman who is now known by the name of Dyce Sombre, and his Father; the more so, as the quarrels of Mr. Dyce, senior, with the Begum, and the questions arising out of them, connected with the disposal of the children and property, occupied no small portion of the time of the gentlemen connected with the Residency.”

Now this is a very fine eloquence of Mr. Trevelyan's, my Lord, and I doubt not that partly he means good; but let us pause a little, and let Mr. Trevelyan be put on oath, and then let him be asked if he knows anything about the birth of Madame Solaroli; the dark side of the knowledge of the Begum and her household will then come out, and “ which took 20
no small a portion of their time.” To the questions which I put to Mr. Trevelyan in 1848, his answers were these: Q. “ Whether Mr. Trevelyan remembered going to Meerût in 1827?” A. “ I once went to Meerût, probably in 1827.” Q. “ Does he remember going to her Highness the Begum's?” A. “ I frequently called on the Begum, and probably did so on this occasion.” Q. “ And entering into conversation with her about Colonel Dyce's two daughters?” A. “ I do not recollect this.” Q. “ Does he remember H. H. the Begum telling him that one of them was a natural daughter of his?” His answer is “ No;” but to the most important questions of all, “ Whether he will say all this on oath, before a magistrate,” he declines answering the question altogether.

Now Mr. Trevelyan, or rather Sir Charles Trevelyan as he is now, could have any 30
objection to say all this, or answer any other question, that might be put to him on oath before your Lordship, for he admits, though with some exaggerations, that it occupied no small portion of the time of the gentlemen connected with the Residency, and therefore he ought to know a great deal about it. He also admits that he doubts the character of Signor Solaroli, for speaking of him in his said letter of the 19th August, he says, “ One of them was one of the numerous foreigners who were supported by the bounty of the Begum, and the other brother-in-law was a British officer, who threw up his Majesty's and the East India Company's commissions for the purpose of marrying one of the Ladies.” I submit that these individuals, without supposing any bias, derived from other consideration, would not be fit persons to be entrusted to be judges in so grave a case. 40

Now this is sufficient, my Lord, to show the character of the man who has been appealing to your Lordship for some expression of the opinion your Lordship entertains of me, on

account of publishing a memoir of Signor Solorali's. But more of this, my Lord, after having finished Dr. Babington's case, which, being exposed in the manner it has, it is presumed that it is enough to exclude him from being named one of the examiners; but instead of him, if your Lordship were to be pleased to name Dr. Winslow, or any other out of the five names I sent your Lordship, and were not rejected by any of the parties, it would satisfy all.

Mr.
Dyce Sombre
to the Lord
Chancellor.

One word more, and then I leave the whole of my fate in your Lordship's custody. I must protest and disavow, in the strongest sense, the unjust and harsh remarks made by your Lordship on the memoir published by me. I protest and avow that I can prove every
10 syllable I have written in it, and that Signor Solaroli has no legs to stand upon, nor has he any face to show before an *impartial* court of inquiry.

I have the honour to remain,

My Lord,

Your Lordship's most obedient humble Servant,

The Right Honourable Lord Truro,
The Lord High Chancellor.

D. O. DYCE SOMBRE.

Providence

H. C. Brown

In Lunacy.

IN THE MATTER OF
DAVID OCHTERLONY DYCE SOMBRE, ESQ.
FOUND TO BE OF UNSOUND MIND.

EVIDENCE used on Behalf of MR. DYCE SOMBRE in Support of his several Applications for Relief to the LORD CHANCELLOR, and now submitted to the Consideration of the Physicians appointed to examine MR. DYCE SOMBRE.

IT will be found to embrace the opinions of some of the most eminent Physicians practising in London, Paris, St. Petersburg, and Brussels; namely, those of Dr. Copland, Dr. Costello, Dr. Ferguson, Dr. Mayo, Dr. Sir Alexander Morison, and Dr. Paris, in London; of Dr. Bertin, Dr. Sir R. A. Chermiside, Dr. Voison, Dr. Davison, Dr. Fabret, Dr. MacCarthy, Dr. Olliffe, Dr. Shrimpton, Dr. Ricord, and Dr. Verity, in Paris; of Dr. Blackwood, in Brussels; and of the Medical Council
10 of St. Petersburg, besides those of many English and Foreign Noblemen, Gentlemen, and other persons; all of whom (it will be seen), with little variety, solemnly swear to their belief that Mr. D. O. Dyce Sombre is of sound mind, and fully capable of managing himself and his affairs.

AFFIDAVIT of ETIENNE LUC BERTIN, of No. 7, Rue du Capucines, in the City of Paris, in the Kingdom of France, Doctor of Medicine.

SAITH, that since the 28th day of November last, he, this deponent, has for the first time become known to and acquainted with, and, as a medical man, has visited the said David Ochterlony Dyce Sombre. That since said 28th day of November he, this deponent, has visited him twelve times; that nine times out of those twelve times he, this deponent, visited the said David Ochterlony Dyce Sombre alone, and such visits were respectively made on
20 the 28th, 29th, and 30th days of November, and the 1st and the 5th, 6th, 7th, 8th, 10th, and 16th days of December 1843. And that on the other three occasions he visited the said David Ochterlony Dyce Sombre in consultation with other physicians, and such three last visits were made on the 9th, 12th, and on or about the 14th day of December last past. That during the nine visits he, this deponent, paid to the said David Ochterlony Dyce Sombre alone, he remained an hour with him each time, at the least. That his object in making those visits was to ascertain the state of mind of the said David Ochterlony Dyce Sombre, and to judge whether he was of sound or unsound mind, and having heard of the

Affidavit of
Etienne Luc
Bertin.

Sworn
5 Jan. 1844.

Filed
5 Feb. 1844.

Affidavit of
Etienne Luc
Bertin.

delusions under which the said David Ochterlony Dyce Sombre was supposed to labour, he, this deponent, particularly examined the said David Ochterlony Dyce Sombre on the subject of those supposed delusions. That on the three other occasions when this deponent visited the said David Ochterlony Dyce Sombre in consultation with other physicians, such visits lasted at least two hours each visit. That the said David Ochterlony Dyce Sombre was on those three occasions subjected to an examination by this deponent, and by Dr. Olliffe, and Dr. Verity, both of Paris, aforesaid, Doctors in Medicine, and by Dr. Voisin, Head Physician of the Hospital of Lunatics of Bicêtre, and member of the Legion of Honour, in consultation together. That on two of those occasions, namely, on the 9th and 12th days of December 1843, Dr. Fabret, who is Head Physician of the Hospital of Lunatics 10 of the Salpêtrière, and member of the Legion of Honour, assisted at the examinations. That on another of those occasions, namely, on or about the 14th of December 1843, Dr. Ferrus, who is a Consulting Physician of the King, and Inspector-general of the Service of Lunatics, member of the Académie Royale of Medicine and officer of the Legion of Honour, also assisted at the examination. That at each of the said three examinations the said David Ochterlony Dyce Sombre was subjected to a most rigid and close examination, with a view to ascertain the state of his mind and intellect, and in particular, he was examined as to the evidence and delusions which (according to the reports in the English newspapers of the proceedings) appeared to have been stated before a jury in England, on the inquiry into the sanity of the said David Ochterlony Dyce 20 Sombre on the 31st day of July 1843.

Saith, that during all the said examinations, as well when alone as when in consultation as aforesaid, he, this deponent, has been unable to detect the least unsoundness of mind in the said David Ochterlony Dyce Sombre on any subjects or matters, and on the contrary thereof, he, this deponent, considers the said David Ochterlony Dyce Sombre to be of perfectly sound mind, and competent in every respect to have the entire management of himself and his affairs.

AFFIDAVIT of ROBERT VERITY, of No. 25, Rue du Faubourg St. Honoré, in the City of Paris, in the Kingdom of France, Doctor of Medicine, late Physician to the British Embassy.

30

Affidavit of
Robert Verity.
Sworn
4 Jan. 1844.
Filed
5 Feb. 1844.

SAITH, that as a medical man he has three times visited the above-named David Ochterlony Dyce Sombre at his residence, No. 23, Boulevard des Capucines, in the said City of Paris. That the said David Ochterlony Dyce Sombre was on those three occasions subjected to an examination by this deponent, and by Dr. Bertin, Dr. Olliffe, both of the said City of Paris, and Doctor Voisin, Head Physician of the Hospital of Lunatics of Bicêtre, and member of the Legion of Honour, in consultation together. That there was an interval of at least one day between each of these three consultations. That on two of those occasions Dr. Fabret, who is Head Physician of the Hospital of

Lunatics of the Salpêtrière, and member of the Legion of Honour, also assisted at the examinations. That on another of those occasions Dr. Ferrus, who is Consulting Physician of the King, and Inspector-general of the Service of Lunatics, and member of the Académie Royale of Medicine and officer of the Legion of Honour, also assisted at the examination. That at each of the said three examinations the said David Ochterlony Dyce Sombre was subjected to a most rigid and close examination, with a view to ascertain the state of his mind and intellect, and in particular, he was examined with reference to what appeared to have been given in evidence (according to the reports in the English newspapers of the proceedings) before a jury in England, with reference to the sanity of the said

Affidavit of
Robert Verity.

- 10 David Ochterlony Dyce Sombre on the 31st day of July 1843. That this deponent, from all that passed on those occasions, is fully convinced that the said David Ochterlony Dyce Sombre is in the full enjoyment of all his intellectual faculties, and fully competent to the government and control of himself and his property.

AFFIDAVIT of JOSEPH FRANCIS OLLIFFE, of No. 2, Rue St. Florentin,
in the City of Paris, in the Kingdom of France, Doctor of Medicine.

Affidavit of
Joseph
Francis Olliffe.

SAITH, that as a medical man he has three times visited the above named David Ochterlony Dyce Sombre, at his residence, No. 23, Boulevard des Capucines, in the said City of Paris. That the said David Ochterlony Dyce Sombre was, on those three occasions, subjected to an examination by this deponent, and by Dr. Bertin and Dr. Verity,

Sworn
4 Jan. 1844.

- 20 both of the said City of Paris, and Dr. Voisin, Head Physician of the Hospital of Lunatics at Bicêtre, and member of the Legion of Honour, in consultation together. That there was an interval of at least one day between each of those three consultations. That on two of those occasions Dr. Fabret, who is Head Physician of the Hospital of Lunatics of the Salpêtrière and member of the Legion of Honour, also assisted at the examinations. That on another of those occasions Dr. Ferrus, who is Consulting Physician of the King and Inspector-general of the service of Lunatics, member of the Académie Royale of Medicine and Officer of the Legion of Honour, also assisted at the examination. That at each of the said three examinations the said David Ochterlony Dyce Sombre was subjected to a most rigid and close examination with a view to ascertain the state of his mind and
- 30 intellect, and in particular he was examined with reference to what appeared to have been given in evidence (according to the reports in the English newspapers of the proceedings) before a jury in England, with reference to the sanity of the said David Ochterlony Dyce Sombre on the 31st day of July 1843. That this deponent, from all that passed on those occasions, is fully convinced that the said David Ochterlony Dyce Sombre is in the full enjoyment of all his intellectual faculties, and fully competent to the government and control of himself and his property.

Filed
5 Feb. 1844.

AFFIDAVIT of FELIX VOISIN, demeurant à Paris, Rue de Bal, No. 104, Médecin en Chef des Aliénés de Bicêtre (1st Section), Membre de la Légion d'Honneur, ayant prêté serment devant Monsieur le Consul de sa Majesté Britannique.

Affidavit of
Felix Voisin.
Sworn
6 Jan. 1844.
Filed
5 Feb. 1844.

DÉCLARE que comme médecin il a dernièrement visité trois fois le susdit David Ochterlony Dyce Sombre à sa residence, No. 23, Boulevard des Capucines, dans la dite ville de Paris. Que le susdit David Ochterlony Dyce Sombre a été soumis dans ces trois occasions à un examen par le déclarant et par les Docteurs Bertin, Olliffe et Verity, médecins de Paris susdit, réunis en consultation. Qu'il y a eu entre chacune de ces trois consultations un intervalle d'un jour au moins. Que dans deux de ces occasions le Docteur Fabret, Médecin 10 en Chef à l'Hospice des Aliénés de la Salpêtrière, Membre de l'Académie Royale de Médecine et de la Légion d'Honneur, assista aussi aux examens. Que dans un autre de ces occasions le Docteur Ferrus, Médecin Consultant du Roi et Inspecteur-général du Service des Aliénés, Membre de l'Académie Royale de Médecine et Officier de la Légion d'Honneur, assista aussi au dit examen. Que dans chacune des dites trois occasions le susdit David Ochterlony Dyce Sombre a été soumis à un examen approfondi dans la vue de s'assurer de l'état de ses facultés intellectuelles. Que le déclarant, d'après tout ce qui s'est passé dans ses consultations, a la conviction intime que le susdit David Ochterlony Dyce Sombre jouit de l'intégrité de ses facultés intellectuelles et affectives, et qu'il est entièrement capable de diriger et sa personne et ses propriétés.

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AFFIDAVIT of JEAN PIERRE FABRET, demeurant à Paris, Rue du Bac, Numero Cent Quatre, Médecin en Chef à l'Hospice des Aliénés de la Salpêtrière, Membre de l'Académie Royale de Médecine, et de la Légion d'Honneur, ayant prêté serment devant Monsieur le Consul de sa Majesté Britannique.

Affidavit of
Jean Pierre
Fabret.
Sworn
6 Jan. 1844.
Filed
5 Feb. 1844.

DÉCLARE que comme médecin il a visité deux fois le susdit David Ochterlony Dyce Sombre, à sa residence, numero vingt trois, Boulevard des Capucines, dans la dite ville de Paris. Que le susdit David Ochterlony Dyce Sombre a dans ces deux occasions été soumis à un examen par le déclarant et par les Docteurs Bertin, Verity et Olliffe, médecins de Paris susdit, et par le Docteur Voisin, Médecin en Chef de l'Hôpital des Aliénés de Bicêtre, 30 Membre de la Légion d'Honneur, réunis en consultation. Qu'il y a eu un intervalle d'un moins un jour entre ces deux consultations. Que dans une de ces occasions le Docteur Ferrus, Médecin Consultant du Roi et Inspecteur-général du Service des Aliénés, Membre

de l'Académie Royale de Médecine, et Officier de la Légion d'Honneur, assista aussi au dit examen. Que dans ces deux examens le susdit David Ochterlony Dyce Sombre a été soumis à un examen approfondi dans la vue de s'assurer de l'état de ces facultés intellectuelles. Que le déclarant, d'après tout ce qui s'est passé dans ces visites, a la conviction intime que le susdit David Ochterlony Dyce Sombre jouit de l'intégrité de ces facultés intellectuelles et affectives, et qu'il est entièrement capable de diriger et sa personne et ses propriétés.

Affidavit of
Jean Pierre
Fabret.

AFFIDAVIT of the Reverend THOMAS FARR, Clerk.

SAITH that he first became acquainted with the above-named David Ochterlony Dyce
10 Sombre in or about the month of March 1839 whilst at Rome, in Italy. That he, this
deponent, resided in the same apartments with the said David Ochterlony Dyce Sombre
at Rome for about three weeks. That he, this deponent, then travelled with the said David
Ochterlony Dyce Sombre to Florence, and was there with him also for about three weeks.
That he, this deponent, then discovered, from the conversation, manners, and habits of the
said David Ochterlony Dyce Sombre, that his feelings as regarded females were Asiatic to
a most extraordinary degree. That at that time the said David Ochterlony Dyce Sombre
referred to a correspondence which was then going on between himself and the Honourable
Miss Jervis, the daughter of the Viscount St. Vincent, and he stated to this deponent his
intention, if he married her, of insisting on her living as his wife after the manner in which
20 Eastern wives are accustomed to live, and of obliging her in a great measure to conform
to usages and customs quite unknown to Europeans; saying also that his wife should
never go out in a carriage alone, nor go to the Opera without him. And this deponent
saith, that he and the said David Ochterlony Dyce Sombre separated in Italy in the month
of May, he, the said David Ochterlony Dyce Sombre, wishing to return to Rome, and this
deponent to England. That in the month of November 1839 this deponent again met the
said David Ochterlony Dyce Sombre, who had just returned to England from abroad, in
London. That this deponent remained in London for about a week, and saw the said
David Ochterlony Dyce Sombre daily during that week. That this deponent then went
from London into the country, and did not see the said David Ochterlony Dyce Sombre
30 till the month of April 1840, though they corresponded during that interval. That this
deponent having previously learnt from the said David Ochterlony Dyce Sombre that his
marriage with the said Miss Jervis was likely to take place, he, the said David Ochterlony
Dyce Sombre, in the said month of April 1840, informed this deponent that discussions
had arisen between him the said David Ochterlony Dyce Sombre, and the said Viscount
St. Vincent relative to the conduct of the said Miss Jervis and to the settlements to be

Affidavit of
the Rev.
Thomas Farr.
Sworn
20 Jan. 1844.
Filed
8 April 1844.

Affidavit of
the Rev.
Thomas Farr.

executed on the intended marriage, the said David Ochterlony Dyce Sombre having, as he informed this deponent, insisted on the said Miss Jervis conducting herself as his intended wife according to his Asiatic notions. And this deponent further saith, that the said David Ochterlony Dyce Sombre at that time requested this deponent to interfere in those matters as his friend, and wished this deponent to take a challenge from him the said David Ochterlony Dyce Sombre, to the said Viscount, but this deponent declined to do so, or otherwise interfere, as Viscount Combermere was, as this deponent understood, the then adviser of the said David Ochterlony Dyce Sombre. And this deponent further saith, that late in the said month of April 1840 this deponent learnt from the said David Ochterlony Dyce Sombre that the said marriage was on the eve of being broken off, and he, this deponent, stated to the said David Ochterlony Dyce Sombre that he was going to Paris, and from thence to Vienna, and the said David Ochterlony Dyce Sombre then expressed his wish to accompany deponent. And this deponent saith that the said David Ochterlony Dyce Sombre did in fact join this deponent in the said month of April at Paris, and they afterwards travelled together to Vienna. That at Vienna the said David Ochterlony Dyce Sombre received letters from the said Miss Jervis, which having been directed to the house of Messrs. Lafitte & Co. at Paris, had been forwarded by them to Vienna. That during the time the said David Ochterlony Dyce Sombre and this deponent were so travelling together, the said David Ochterlony Dyce Sombre was continually complaining of the conduct of the said Viscount St. Vincent with reference to his daughter, and his wishing to accept him as his son-in-law, and yet not sufficiently supporting him in his Asiatic views with reference to the conduct of women previously to and after marriage, and which views he said he had fully explained to the Viscount; and for these and other reasons the said David Ochterlony Dyce Sombre continually expressed his anxiety to have personal satisfaction from the said Viscount. And this deponent saith, that the said David Ochterlony Dyce Sombre left this deponent at Vienna in May 1840, as deponent believes, and returned to England. And this deponent further saith, that he has since that period, and since the marriage of the said David Ochterlony Dyce Sombre, constantly seen him at intervals, and been on terms of great intimacy with him; and in the month of November last this deponent met the said David Ochterlony Dyce Sombre at Paris, and has been in the habit of seeing him almost daily for the last two months. And this deponent further saith, that the intellect, manners, conduct, and ideas of the said David Ochterlony Dyce Sombre appear to him, this deponent, to be the same now that they were at the times hereinbefore stated of his, deponent's, former intimacy and acquaintance with the said David Ochterlony Dyce Sombre; all the habits and ideas of the said David Ochterlony Dyce Sombre being now as then entirely Asiatic.



AFFIDAVIT of the Right Honourable STAPLETON STAPLETON, Viscount COMBERMERE, G. C. B. and G. C. H., a General in Her Majesty's Army.

SAITH that he had for many years previously to the year 1830 served with Her Majesty's army in various parts of the East Indies, and has thereby become well acquainted, and is perfectly familiar with Oriental habits, manners, feelings, opinions and customs. Saith that for 19 years or thereabouts, he has known the said David Ochterlony Dyce Sombre, and his first acquaintance with him commenced at the Court of the Begum Sombre, a native independent Princess, governing considerable independent territories, and residing principally at Sirdhana and Meerut, and occasionally at Delhi, and at that time the said David Ochterlony Sombre was about 15 or 16 years of age. Saith that the said David Ochterlony Dyce Sombre was, as this deponent verily believes, the son of Colonel Alexander Dyce, who was a Colonel in the service of the said Begum Sombre, and also steward of the household of the said Begum Sombre; and his Mother, whose name was Juliana Reynard, was a native attendant of the same Begum; and inasmuch as his Father traced his descent through Indian blood the said David Ochterlony Dyce Sombre was, as he, this deponent, considers, by birth three-fourths an Asiatic, and only one-fourth an European. Saith that the said David Ochterlony Dyce Sombre was adopted by the said Begum, and brought up by her as her Son, and, except as hereinafter is more particularly mentioned, he was entirely educated like other Asiatics, and according to Asiatic customs. Saith that the only instruction which the said David Ochterlony Dyce Sombre has ever received at all of an English character was, as this deponent verily believes, the instruction given to him by the Rev. Mr. Fisher, Chaplain to the East India Company, who was stationed at Meerut, in the immediate neighbourhood of the Begum's residence, and who acted for a time as tutor to the said David Ochterlony Dyce Sombre, but such instruction did not produce, according to the observation of this deponent, any material or essential change in the mental habits, or in the Asiatic feelings, opinions and ideas in which the said David Ochterlony Dyce Sombre had been previously brought up. Saith that on the death of the said Begum, the said David Ochterlony Dyce Sombre came into the possession of the wealth of his adopted Mother, and shortly after that event took place, and in the year 1838, the said David Ochterlony Dyce Sombre came over to England for the first time in his life, and called on this deponent soon after his arrival, and informed him of his intentions of residing in this country, and that he was anxious to get into society in London. Saith that he, this deponent, accordingly introduced the said David Ochterlony Dyce Sombre to several of his friends and acquaintances, and in or about the month of December of the same year, 1838, the said David Ochterlony Dyce Sombre called upon this deponent and informed him that he, the said David Ochterlony Dyce Sombre, wished to consult him on the propriety of his making a proposal of marriage to the Honourable Miss Jervis, a Daughter of the Viscount St. Vincent. Saith that knowing

Affidavit of
The Rt. Hon.
Stapleton
Stapleton,
Viscount
Combermere.

Sworn
2 March 1844.

Filed
8 April 1844.

Affidavit of
the Rt. Hon.
Stapleton
Stapleton,
Viscount
Combermere.

how strongly the said David Ochterlony Dyce Sombre was influenced by the customs in which he had been brought up, and considering him also, as the fact is, totally unfitted to live for any length of time with, or as the husband of a lady brought up in the London circles, and according to European notions, unless such lady would consent to conform to the habits and usages of Asiatic women in all material particulars, he, this deponent, did not hesitate to dissuade the said David Ochterlony Dyce Sombre from engaging himself to marry until, by living for a few years in English society, he had become acquainted with, and had generally adopted European ideas with regard to females and the mode of treating them, and more particularly as regarded the treatment of married women, all of which he would find totally different from the customs and manners observed in the East. Saith 10 that at the end of the year 1838, or early in the year 1839, the said David Ochterlony Dyce Sombre informed this deponent that he had met with great encouragement from the said Lord St. Vincent, and also from Miss Jervis, and he felt confident that he had gained the affections of the said Miss Jervis, and this deponent believes that the said David Ochterlony Dyce Sombre was soon afterwards accepted. Saith that a short time subsequently to the last-mentioned conversation, the said Lord St. Vincent consulted this deponent on the subject of the marriage of his Daughter with the said David Ochterlony Dyce Sombre, on which occasion he, the deponent, informed Lord St. Vincent that he considered the said David Ochterlony Dyce Sombre a very honourable and good young man, and thereupon Lord St. Vincent remarked that he was of the same opinion, and that 20 there could be nothing against him but his colour, and that, as his Lordship immediately added, was his Daughter's concern. Saith that during his interview with the said Lord St. Vincent, he, this deponent, informed his Lordship that the said David Ochterlony Dyce Sombre had more Asiatic than European blood in his veins, for that his Father, Colonel Dyce, was a half-caste, and his Mother a native attendant on the said Begum Sombre; and on the same occasion, and on various other occasions, and in numerous conversations which this deponent had with Lord St. Vincent on the subject of his Daughter's marriage, and on his Lordship's complaining of the jealousy exhibited by the said David Ochterlony Dyce Sombre, he, this deponent, invariably pointed out to, and endeavoured to make his Lordship understand, that in the opinion of this deponent, the 30 marriage of the said David Ochterlony Dyce Sombre with the said Miss Jervis would not be productive of happiness or comfort to either of the parties, inasmuch as their habits, manners and opinions, especially with regard to the demeanor and dependence of married women, would be totally different from each other. Saith that in the latter end of 1839, the said David Ochterlony Dyce Sombre came to Combermere Abbey, the residence of this deponent, to ask his opinion as to the course he should pursue in consequence of Miss Jervis having accepted his proposals, and yet having requested him to go abroad, and to defer or put off their intended marriage for five months, or until the end of the London season. Saith that on the last-mentioned occasion, he endeavoured to prevail upon the said David Ochterlony Dyce Sombre to break off the marriage at once, and to consider 40 the engagement at an end, as it could not conduce to the happiness of either of them. Saith that in the course of the same interview, latter end of 1839, the said David

Ochterlony Dyce Sombre informed this deponent that his intended marriage with the said Miss Jervis had been previously broken off for reasons connected with the conduct and demeanor which he should expect his wife to observe. Saith, that shortly after the said last-mentioned interview, and in or about the middle of the year 1840, the said David Ochterlony Dyce Sombre came to take leave of this deponent previously to his going abroad, saying, at the same time, that all was at an end between himself and Miss Jervis, and that all his presents to her, except one article, had been returned to him. And that upon that occasion, he, this deponent, suggested and advised, that the said David Ochterlony Dyce Sombre should remain abroad, and not correspond with the said Miss Jervis, and

10 he also informed the said David Ochterlony Dyce Sombre, that he feared "the article," which Miss Jervis had kept, was only retained in order to afford her an excuse for opening a correspondence with him if she again changed her mind. Saith he has been informed, and he verily believes, that the said David Ochterlony Dyce Sombre, whilst travelling abroad, received letters from the said Miss Jervis and the said Viscount St. Vincent, which induced the said David Ochterlony Dyce Sombre to return to England again, and renew his engagements to marry her, the said Miss Jervis, and soon afterwards, and in consequence thereof, the marriage between them was accordingly solemnized. Saith, that about two months after the said marriage had been solemnized, he, this deponent, met the said David Ochterlony Dyce Sombre and his Wife at Brussels on their road to Italy, and the

20 said David Ochterlony Dyce Sombre, together with his Wife, remained at the hotel where this deponent and Lady Combermere were staying, and they saw each other almost every day for about a month, and during that time the said David Ochterlony Dyce Sombre was remarkably attentive and considerate to his Wife, and they seemed to be living quite happily together. Saith, that in the year 1841 the said David Ochterlony Dyce Sombre called upon this deponent at Thomas' Hotel, in Berkeley-square, and said that he was going to Sudbury, for the election on the next day; that he wanted the advice of this deponent whether it was right that a Married Woman should go out in the absence of her Husband; that he had forbid Mrs. Dyce Sombre from going out during the time he was away, and that still, notwithstanding, the said Mrs. Dyce Sombre had said she would. Saith, that he then

30 endeavoured to persuade the said David Ochterlony Dyce Sombre, that inasmuch as he refused to take the advice which had first been given him by this deponent, namely, that he had better not marry at all, he ought to follow the second advice, namely, to conform to the customs of Englishmen with regard to women, and not to act upon his Asiatic notion. Saith, that on the following day the said David Ochterlony Dyce Sombre called on this deponent again, when he informed this deponent that he had arranged the matter satisfactorily, for Lady Burdett had promised to take Mrs. Dyce Sombre into the country with her until he returned from Sudbury. Saith, that in the last-mentioned circumstances he saw the commencement of those disagreements which he feared would result from so unsuitable a match if neither of the parties would consent to give up the notions and

40 usages in which they had been brought up; and early in the year 1842 he was requested by Lord Marcus Hill to attend a meeting of the friends of Lord St. Vincent, of Mrs. Dyce Sombre, and of the said David Ochterlony Dyce Sombre, at the Clarendon Hotel, in order

Affidavit of
the Rt. Hon.
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Viscount
Combermere.

to investigate some complaints and charges which had been brought or made by the said David Ochterlony Dyce Sombre against his Wife with respect to her alleged infidelity. Saith, that he attended the said meeting at the time appointed, and although the said David Ochterlony Dyce Sombre expressed himself in a manner which, to a person who had never been in India, or who had not been acquainted with the customs of Asiatics as to their treatment of women in general, and of married women in particular, would have seemed most strange, and even ridiculous; yet to any one familiar with Oriental customs, the complaints and charges which he made against his Wife, however groundless, and however absurd in the estimation of an European, would have certainly been considered, as in fact they were, the necessary result of his India education, and the natural feelings 10 of an Indian husband when placed in a society so different from what previously had been his own. Saith, that the point of honour among Asiatics rests on the habits and conduct of their wives and women, as it does among Europeans upon the preservation of a character for truth and uprightness, and all their most sensitive and cherished feelings of delicacy and propriety and personal reputation may be said to be centered on that point. Saith, that acquainted as he is with native Indian society, he is perfectly confident that Mrs. Dyce Sombre must have repeatedly been in situations which would have annoyed her husband's feelings, and have amply sufficed to make him lose his self-possession, although there might be nothing in her character and conduct which would justify a suspicion, or occasion or give rise to a feeling of jealousy in the eyes of an European husband. Saith, 20 that in the month of June or July 1843 he was requested by Sir James Clark to call on the said David Ochterlony Dyce Sombre at Hanover Lodge, in the Regent's Park, where the said David Ochterlony Dyce Sombre was at that time confined; and he, this deponent, accordingly went, and he found the said David Ochterlony Dyce Sombre in perfect health, and when conversing upon indifferent subjects he was perfectly sane in every respect, and when conversing on the subject of his Wife he manifested precisely the same sort of opinions as those he had expressed at the Clarendon Hotel. Saith, that to the best of this deponent's information and belief, the said David Ochterlony Dyce Sombre never showed any symptoms of insanity while he was in India, nor was he ever supposed to have done so; and on the occasions on which the deponent has seen him in England his manners 30 and conversation were perfectly those of a sane man, unless his opinion with regard to women, and especially with regard to the conduct of married women, can be reasonably adduced as proof to the contrary. Saith, that he has corresponded with the said David Ochterlony Dyce Sombre since his arrival in Paris, and the letters received from him are those of a sane and sensible man, for which reason, as well as for the reasons before adverted to, this deponent conceives and verily believes, that the said David Ochterlony Dyce Sombre ought not to be treated as a person of unsound mind.

AFFIDAVIT of JAMES COPLAND, M. D., F. R. S., and Fellow of the Royal
College of Physicians.

DO make oath and say that on Saturday, the 5th day of September instant, I was called to Dover to see the above-named David Ochterlony Dyce Sombre, and was requested to make such a statement respecting the state of his mind as on interview between myself and the said David Ochterlony Dyce Sombre should warrant. And I say that I was previously furnished with certain questions which, with many others referring more or less to the topics after mentioned, were submitted by me to the consideration of the said David Ochterlony Dyce Sombre, on the 6th instant. And I say that I arrived in Dover aforesaid
10 on the 5th instant, and met the said David Ochterlony Dyce Sombre there, and passed the evening in his company at the house of Mr. Mahon. They conversed on various topics, and played a rubber of whist, he, the said David Ochterlony Dyce Sombre, being one of the whist party. And I further say that I had a long interview with the said David Ochterlony Dyce Sombre on the following morning, soon after breakfast, no other person being present during the whole of the time of our interview; the conversation was first directed by me to the age at which the said David Ochterlony Dyce Sombre had left India, as to his continued residence there from birth up to the age of 30, and as to his arrival in this country, and various topics relating thereto; and subsequently to the state of his bodily health whilst in India, and more recently in England, and whilst he was on the continent, was adverted to. And I say that
20 I next, in general terms, noticed his marriage, and mentioned the various statements which had appeared as to his opinions of the conduct of his Wife. And I afterwards directed my inquiries more specifically to the said David Ochterlony Dyce Sombre's present opinion as to the conduct of his Wife previously to his departure from England, with the view of ascertaining his belief or disbelief of the various improprieties which he imputed to her on various occasions. The said David Ochterlony Dyce Sombre stated that he now believed that his marriage would have been a happy one on the whole, and that there would not have been any serious disagreement between him and his Wife if his Wife's friends had not interfered on many occasions when such interference was quite unnecessary; that he had no evidence or proof of the several improprieties and acts which he was said to have alleged
30 against her, and that having no such evidence, he could not now believe in the justice of such accusations, of which however he now had no clear recollection, but that if he had made them, he must have done so in moments of irritation and excitement, occasioned by the reference of his Wife to her relations, and by their interference. In answer to the question whether she might not herself have said to the said David Ochterlony Dyce Sombre, for the purpose of aggravation when he was accusing her of improprieties which he might have suspected, or of which he might have heard vague reports, that she had actually been guilty of all and even of the worst acts imputed to her by him, he stated that he had no recollection of her having provoked or aggravated him in that way, but that she was always referring matters to her friends, and causing their uncalled for and improper

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James
Copland,
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interference. In answer to questions as to whether or no her musical acquirements led her into situations or occasional expenses of which he might have disapproved, or which might have occasioned suspicions of infidelity in his mind, he remarked that there occurred nothing in that way with which he could find fault. In answer to the question regarding Mrs. Dyce Sombre's motives in having recourse to the Lord Chancellor, the said David Ochterlony Dyce Sombre observed that he believed that she entertained no bad motive or intention respecting him, and that she had acted according to the advice of her relations or friends in the matter. The said David Ochterlony Dyce Sombre also stated that he had no belief, and expressed his opinion that he never had any reason to entertain a belief that the Queen of England had directly or indirectly proposed to confer a peerage upon him. He 10 also stated that the Marchioness of Londonderry had never either sent or made proposals to him to marry her daughter Lady Vane. He also further stated that he never seriously proposed to refer the conduct of his Wife to the examination and decision of the Jockey Club of Paris, and that he could now recollect no reasonable grounds for calling upon Lord St. Vincent, the Chairman of the East India Company, Mr. Montgomery, and Dr. Elliotson for personal satisfaction. With reference to the allegation of the said David Ochterlony Dyce Sombre having imagined himself under the influence of good and evil Spirits, he remarked that he never entertained any such idea, further than such influence as an Almighty power exerts over all his creatures consistently with rational religious belief. That as to his alleged belief in the existence of pits or holes in the roads intended for his 20 injury, he stated that the supposition was ridiculous, and disavowed all belief in them. And I further make oath and say, that having directed my inquiries to the points respecting which the said David Ochterlony Dyce Sombre entertained certain delusions on former occasions, I conversed with him thereon, and in the course of our conversation, inquired respecting his differences with the East India Company respecting his and his late Mother's claims on the Company, as to his travels in several continental countries, and as to his intentions in respect of residence during the ensuing winter. Respecting this last topic of conversation, he remarked that he at present wished to go on to Rome shortly, as he was desirous of seeing a monument which was there under the hands of a sculptor, and which he intended to send to India to be erected to the memory of his Mother, the Begum. 30 I also inquired into his usual habits of life, into his present and former state of bodily health, and into his usual occupations and amusements. He stated his habits to be regular; he represented the quantity of wine which he usually drank to be moderate, and he remarked that he preferred claret, and occasionally a small quantity of some liqueur with water. He further stated that he usually took horseback exercise, occasionally drove or walked, and that he was now in good health, although formerly he was not in good health, owing to various causes of irritation and excitement to various excesses, and to neglect of himself. I found his pulse of natural strength and frequency, and his tongue clear. He stated that his bowels were always regular; that he had no headache; that he was not subject to headache or giddiness, and that he slept well. I further say that in the course 40 of my conversation with the said David Ochterlony Dyce Sombre, on the evening of the 5th and on the morning of the 6th instant, and of my more particular inquiries on the

latter of these days, I did not observe any indication of delusion or of partial insanity in that gentleman. I questioned the said David Ochterlony Dyce Sombre respecting his attention to his own affairs, and as to the circumstance of his attending to his expenses, to his accounts, &c., and as to the rates of exchange between this country and France. To these questions, and to others connected with them, he answered rationally and satisfactorily, and from these answers I am led to infer that he attends very strictly to his affairs, and from the whole tenor of his conduct and of his conversation, and from his manner, and from the answers given by him to the questions put by me to him, I feel convinced that the said David Ochterlony Dyce Sombre was, at the time when I examined him, of sound
 10 mind, and fully capable of the management of himself and of his estate.

Affidavit of
 James
 Copland,
 M.D., F.R.S.

AFFIDAVIT of PINKSTAN BLACKWOOD, of Brussels, in the Kingdom of
 Belgium, M. D.

MAKETH oath, and saith, that having been requested on the 10th day of June last, to visit professionally the said David Ochterlony Dyce Sombre, and to give deponent's opinion on the then state of his health, both bodily and mental, deponent waited on and was introduced to him at the Hotel Belle Vue. Saith his bodily health required no attention, having no complaint whatever, and in his mental state he was equally happy, being, according to deponent's judgment, and from close examination and observation, as perfectly sane as any man could be under any circumstances whatever. Deponent saith, that in conversation on general topics he was as lucid and clear as possible, and to his own situation he entered into the particulars freely, and explained to deponent the peculiar circumstances of his position with a clearness and precision quite remarkable, detailing to the present time his entire proceedings since he last left London, relating minutely his application to the Medical Commission at St. Petersburg to be examined touching the then state of his mind, reading over to deponent himself the documents relating to that examination, and its result, which perfectly accords with deponent's own opinion, viz., that said David Ochterlony Dyce Sombre is perfectly sane, and capable of managing his own affairs. His replies to any questions deponent put to him were pertinent, clear, and shrewd on any subject, and on the all engrossing ones of his own case, he was equally so. His memory
 20 was remarkably good; in short, he appeared to deponent, as before stated, as free from any appearances of mental alienation as any man deponent ever conversed with. Finding his object to be to obtain a medical certificate of the present state of his mental faculties, deponent recommended a more extended examination, by an assembly of medical men of respectability at Brussels, which he cheerfully agreed to, and courted the most ample and searching examination, and accordingly it was arranged that deponent should meet Dr. Soutin, one of the king's physicians, on the following day, on consultation. Deponent saith that in the afternoon of said 10th of June, deponent dined with said Mr. David Ochter-

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 Pinkstan
 Blackwood,
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lony Dyce Sombre, at the house of a medical friend, and remained in his society until eight of the clock, when he retired to go his club. Deponent availed himself of this occasion to continue his scrutiny and observation during and after dinner; the said David Ochterlony Dyce Sombre was very temperate, eating sparingly and drinking only a few glasses of champagne; his conversation and manner was as perfectly calm and self possessed as it was possible for that of any man to be, and altogether to put out of the question any idea of mental alienation. On the following day deponent again saw said David Ochterlony Dyce Sombre in company with Dr. Soutin. At this interview, of two hours' duration, deponent and said Dr. Soutin subjected him to a most searching examination, in which were repeated and reiterated questions on a variety of subjects, and especially in relation 10 to his own affairs, more particularly those questions which had been suggested in the letter from Sir James Clark to Sir Robert Chermiside at Paris, on the occasion of this investigation which took place there, and which as set forth in that proceeding; the replies of the said David Ochterlony Dyce Sombre to all which were given with the most perfect calm self-possession and consistency, and were most satisfactory and convincing to deponent and said Dr. Soutin. Deponent afterwards put questions relative to Mrs. Sombre: he was not at all excited thereon. On questioning said David Ochterlony Dyce Sombre relative to the Archbishop of Canterbury, he said he had been introduced to his Grace first by letter of introduction from the Bishop of Calcutta; that he had afterwards seen him relative to his obtaining a dispensation for his marriage. At this period deponent and 20 said Dr. Soutin questioned him on the subject of his having fancied himself to have been haunted by evil Spirits, and also on the subject of the East India Company; his replies thereto were all most satisfactory and reasonable. Saith, the documents relative to the Commission at St. Petersburg were read over in his presence for the information of Dr. Soutin and deponent; in the course of the reading frequent pauses were made to put questions to him, to all of which, and at each time, he gave the most satisfactory and consistent replies, and in many important instances the most convincing explanations on the points to which the questions related. Saith, the result of said interview was the joint conviction of Dr. Soutin and deponent, that the said David Ochterlony Dyce Sombre was then possessed of a sound mind, but for our more perfect satisfaction we recommended 30 a more extended and repeated examination on following day. Deponent saith, that accordingly on the following day deponent met by appointment Dr. Soutin and Dr. Mahon, and remained with them two hours, during which period the said David Ochterlony Dyce Sombre was present; all conversed with him separately, and on a great variety of subjects, frequently and suddenly recurring to the incidents of his own case, questioning him again and again on those points on which it was heretofore considered he had a delusion; his replies thereto were always consistent and unchanged, and his whole demeanor such as to leave not a shadow of doubt on our minds of his perfect sanity and capability to manage his own affairs; but to obtain still further proof, at his own especial request, deponent and said other persons agreed to have a still more extended examination on 40 following day. The said deponent accordingly visited said David Ochterlony Dyce Sombre on following day, and met Dr. Soutin, with the Advocat Theyssin to take his

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instructions, and ascertain his wishes relative to the arrangements for the evening, and to advise the manner of legalizing the several documents according to the customs of this country. On this occasion the lucidity, perspicuity, and tact of said David Ochterlony Dyce Sombre were so manifest as to fully confirm our former opinions of his perfect sanity and state of mind. Saith that deponent believes, and is firmly convinced, that the said David Ochterlony Dyce Sombre is now perfectly free from the slightest aberration of mind. Deponent saith that on the following day, viz. the 14th June, said deponent and other persons assembled again for the same purpose as at the former meetings. Said deponent and said other persons severally conversed with said David Ochterlony Dyce Sombre on general subjects, and on some of the points of his own case; we found no change in his manner or demeanor, or reason to change our former opinion; Mr. David Ochterlony Dyce Sombre was prompt, clear and lucid in his observations and replies to our questions, and we concluded to meet on Monday for the last time, to terminate our inquiries, and to form our certificate. Saith, we accordingly met on Monday, the 16th June; deponent and the same gentlemen as before discussed the case fully, and gave the certificate. Deponent saith that since said period, deponent has been in the daily habit of seeing and conversing with David Ochterlony Dyce Sombre under every variety of circumstances, frequently dining with him at the table d'hôte, and in company with him at the house of a mutual friend at evening parties; playing cards with him, both as a partner and adversary; frequently driving out with him in a carriage. In all and every of these situations, deponent has observed him closely up to this day, and has not been able to detect any aberration of mind whatever.

AFFIDAVIT of HENRY THOBY PRINSEP, Esq.

DO make oath, and say, that I knew the above-named David Ochterlony Dyce Sombre in India, having had official relations with him when I was with Lord William Bentinck, as Political Secretary, in 1830-31, during his tour in the North-Western Provinces of the Bengal Presidency, and again when he, the said David Ochterlony Dyce Sombre, came to Calcutta for the purpose of embarking for England. That my intercourse with him, the said David Ochterlony Dyce Sombre, in England, since my return to this country in 1843, was confined to casual meetings; but soon after his departure for the Continent, in the early part of 1844, I received a letter from him, expressing dissatisfaction with the judgment passed in his case, and desired to appeal thereupon, and he requested of me to recommend him a solicitor, or to place his affairs in the hands of my solicitors, because he thought his former solicitors had not dealt fairly with him; but I declined recommending any solicitor to him, or taking any personal concern in his affairs, and dissuaded him from any hasty step that he might be induced to take by his then feelings. He shortly after wrote to me

Affidavit of
Henry Thoby
Prinsep,
Esq.
Filed
15 July 1846

Affidavit of
Henry Thoby
Prinsep,
Esq.

again on the same subject, dwelling more strongly upon the pecuniary difficulties to which he was reduced, and enclosing a letter written by himself to the late Lord Chancellor on that subject; whereupon I, acting under advice, forwarded that letter to the late Lord Chancellor, with whom I then had an audience, at which I urged the inconvenience of leaving the said David Ochterlony Dyce Sombre without some independent allowance, to be paid to him through a banker, as it appeared to me from the communication I had received, and from what had transpired of his conduct and deportment towards Mr. Warwick, (the gentleman through whose hands the late Lord Chancellor had directed the pecuniary allowance made for the said David Ochterlony Dyce Sombre to be paid,) that he, the said David Ochterlony Dyce Sombre, would not give the said Mr. Warwick his confidence, or 10 place him in charge of or allow him to have any control over his, the said David Ochterlony Dyce Sombre's, necessary expenses. The audience closed with a declaration by the late Lord Chancellor that he would consider the matter. And I further say that I received several further letters from the said David Ochterlony Dyce Sombre, most of which or their substance I communicated to Mr. Richard Clark, the late Lord Chancellor's secretary, through whom I learned after some time that an allowance of 60 £. per week was set apart and made payable through Messrs. Coutts & Co. to the said David Ochterlony Dyce Sombre, under the condition that an account should be rendered each week of its expenditure, and that if not duly rendered he must expect the allowance to be withheld. I communicated this arrangement to the said David Ochterlony Dyce Sombre, who has, 20 I have every reason to believe, since drawn the allowance and fulfilled the condition; that at first he used to do so by sending all his weekly bills, duly receipted, enclosed to me, and I forwarded them to the secretary of the late Lord Chancellor, but upon pointing out the inconvenience and trouble this arrangement gave, it was settled that they should be forwarded by the said David Ochterlony Dyce Sombre to Messrs. Coutts & Co., which I have every reason to believe has since been done. And I further say, that my correspondence with the said David Ochterlony Dyce Sombre upon this and other subjects has continued for two years, more or less, and that I have received 30 or 40 letters from him at different times, and I have no hesitation in stating it to be my opinion that those letters evince complete capability for the management even of difficult affairs, 30 and that I have seen no trace of any aberration of mind to disqualify him from the conduct and management of himself and his property. And I further say, that I can produce letters of this period which will fully bear out this opinion, and I firmly believe the said David Ochterlony Dyce Sombre, from the said correspondence, to be of perfectly sound mind, and fully capable of managing his own affairs and conducting himself prudently and properly at this present time.

AFFIDAVIT of ALFRED GEORGE PRESCOTT, late Lieutenant Second
Dragoon Guards or Queen's Bays. Filed, 22d January 1846.

SAITH that he has been acquainted for some time past with Colonel Dyce Sombre, and that this deponent became particularly intimate with the said Dyce Sombre during the months of May and June last, during which periods deponent has had various and numerous opportunities of forming his judgment of the mental state of the said Dyce Sombre, having frequently met him at dinner parties, and in the society of ladies and gentlemen during his sojourn at Brussels; and also met the said Dyce Sombre at the Beck, a principal club there, where this deponent played billiards with the said Dyce Sombre for amusement, and saw
10 him do so with many other members of the said club, all of whom expressed their belief and conviction to this deponent, that the said Dyce Sombre was of sound mind. That this deponent, from such various opportunities afforded him, has just and reasonable ground to form his opinion of the mental state of the said Dyce Sombre, more particularly as this deponent was and is aware that the said Dyce Sombre had been declared a lunatic by the laws of England. This deponent was present when Dyce Sombre was questioned on his alleged allusions as to his being jealous of the Duke of Wellington and Mr. Montgomery, as to the fidelity of Mrs. Dyce Sombre, his Wife, to which the said Dyce Sombre replied in the presence of deponent, that he felt satisfied he laboured under an erroneous impression with regard to the Duke of Wellington and Mr. Montgomery, as he then felt convinced that
20 neither the one or the other ever had a criminal intercourse with his said Wife. Deponent further saith that Dyce Sombre did not appear in the least excited on being questioned upon so delicate a subject, but replied in a cool and gentlemanly manner. That deponent heard a long conversation or rather discussion take place between the said Dyce Sombre and other gentlemen, upon the comparative value of land in England, Belgium, and India; during which discussion the said Dyce Sombre evidenced strong reasoning faculties, and his remarks upon the subject of discussion were clear and pertinent, and free from any circumstances that could by any possibility lead this deponent to suppose him labouring under any delusion whatever; on the contrary, this deponent felt convinced from these and many other opportunities afforded this deponent, that the said Dyce Sombre was in full possession
30 of his reasoning faculties, and enabled to manage his own affairs up to the 20th of June last, which was the last time this deponent saw the said Dyce Sombre. And this deponent makes this affidavit solely with a view to further the ends of justice, without any direct or indirect interest in the issue of the cause.

Affidavit of
A. G.
Prescott.
Filed
22 Jan. 1846.

AFFIDAVIT of EDWARD BROWNE, of Belgium, Librarian.

Affidavit of
Edward
Browne.
Filed
22 Jan. 1846.

MAKETH oath and saith, that he knows and is well acquainted with the said David Ochterlony Dyce Sombre, and has had frequent opportunities of seeing and conversing with him since his present residence in Brussels. Deponent saith he has transacted several matters of business during said period with the said David Ochterlony Dyce Sombre, and although the deponent heard that said Mr. David Ochterlony Dyce Sombre was found to be of unsound mind by the law of England, that deponent is of opinion that the said David Ochterlony Dyce Sombre is now of perfectly sound mind and good understanding, and capable of managing his own affairs. Saith that deponent closely observed the manner and 10 conduct of the said David Ochterlony Dyce Sombre on many of said occasions, and never perceived any act or expression by him to justify the opinion that the said David Ochterlony Dyce Sombre has any weakness of mind; but on the contrary, this deponent saith, from the frequent opportunities he had of forming his judgment in respect thereto, he is perfectly convinced that the said David Ochterlony Dyce Sombre is now of a clear and sound mind, and particularly so in money dealings.

AFFIDAVIT of the Right Honourable Lord Viscount COMBERMERE.

Affidavit of
the Rt. Hon.
Lord
Viscount
Combermere.
Filed
23 Jan. 1846.

MAKETH oath and saith, that in the month of August last he, this deponent, was staying at Kissengen, in Germany, where he met the above-named David Ochterlony Dyce 20 Sombre, in whose society this deponent frequently was, and with whom he had repeated conversations on various topics, and amongst them on that of his, the said David Ochterlony Dyce Sombre's, present unhappy condition, owing to the result of the inquiry that had taken place in England as to the soundness of his mind now compelling him for his present safety to reside abroad, and also on that of the several medical investigations or inquiries as to the real state of his mind which he had since submitted to by the examinations of the most eminent physicians at St. Petersburg, and afterwards by physicians of the highest standing at Brussels, and also on that of his personal expenditure and accounts, as to which he, the said David Ochterlony Dyce Sombre, invariably displayed great accuracy and acuteness. And this deponent further saith, that at all times when he so saw and 30 conversed with the said David Ochterlony Dyce Sombre, he, the said David Ochterlony Dyce Sombre, showed no symptoms whatever of any unsoundness or irregularity of mind, but, on the contrary, invariably appeared to deponent to be in a perfectly sane state. And

deponent further saith, that since his return to England he has written several times to the said David Ochterlony Dyce Sombre, and received several answers from him in reply, from all which deponent hath every reason to think, and believes that the said David Ochterlony Dyce Sombre's mind is now in the same sound state as it was in August last, and that he is perfectly capable of conducting himself and his affairs safely, prudently and satisfactorily.

Affidavit of
the Rt. Hon.
Lord
Viscount
Combermere.

JOURNAL or REPORT of the Medical Council of St. Petersburg.

HAVING heard the proposal of the Minister of the Interior, dated the 17th day of
 10 December 1844, No. 608, regarding the state of mind of Mr. David Ochterlony Dyce
 Sombre, by his own wish, stated in a letter to the Minister, which is as follows :—In England
 in the month of March 1843, by the intrigue of my enemies, I was, under the pretext of
 being insane, kept under strict watch for four months, during which time a Commission
 assembled, which declared me out of my mind, and not in power of managing my own
 affairs ; my things were taken from me, trunks and boxes broken open, sealed letters,
 packets, letters, and even my will, which is reckoned a sacred thing in all parts of the
 world, were opened and read, and then given up to persons who may make whatever use
 they pleased of them. At the expiration of two months more I escaped and went to
 France, where I was twice examined and declared in sound health and perfect state of
 20 mind, and able to manage my own affairs ; my intention is to endure a renewed examin-
 ation, and through the favour of you, and the Russian Government, to receive a certificate
 from the medical men of the country, and with that document to return to England and
 reclaim the remnant of my once brilliant fortune. In the course of the above said pro-
 posal to the Minister, the foreigner, Mr. David Ochterlony Dyce Sombre, was called to
 the Council of Medical Men the 2d of January 1845 ; questions were put to him regarding
 his letter, which he answered in a manner not to create the least suspicion of his being
 deranged ; he related the details of his confinement, his escape to France, and the examin-
 ation which he endured there, at which the Doctor of the English Embassy assisted ; he
 remarked at the same time, that the above-mentioned examination was the only cause of
 30 the English authorities giving up demanding his return to England. The Medical Council
 finding it requisite to be made acquainted with the affairs more particularly, Mr. David
 Ochterlony Dyce Sombre was requested if he had any documents to deliver them to the
 Council, to assure them of his never having created any suspicion of derangement ; there-
 fore, to come to an arbitration, Mr. David Ochterlony Dyce Sombre was given into the
 hands of Dr. Sparki, Dr. Salomon, and Dr. Niceioff, appointed Councils of State to
 decide the question, and to give the Medical Council the resolution. At the following

Journal or
Report of the
Medical
Council of
St. Peters-
burgh.
Filed
24 Jan. 1846.

Assembly the President communicated to the Council a copy of the certificate delivered by Mr. Dyce Sombre, which was given to him at Paris, with the signatures of Dr. Boggi, Dr. Bonnot, and Sir R. Chermide, physician to the British Embassy, who examined him in the presence of the Prefect of the Police. In this certificate there is a perfect detail of the examination he endured in that country; the inquisitors used all their power to discover the least sign of derangement; they put the most trying questions to him, which he answered clearly, solidly, and accurately, without any hesitation, and was therefore acknowledged in perfect state of mind, and that it is altogether not difficult to conclude that Mr. Dyce Sombre is not deranged, but that the chief object of his derangement is the infidelity of Mrs. Sombre. To convince yourself, says Sir James Clark, in his letter, ask 10 him what proofs he can give you of his Wife betraying him, when and what complaint he had against her, and how he discovered the individual that had any communication with his Lady; ask him on what conditions he will take his Wife back; speak to him about religion, to have an opportunity to name the Archbishop of Canterbury; ask him what he thinks of him. It is also mentioned in the letter, to try and turn the conversation on the East India Company; to question Mr. Dyce Sombre regarding the reception he received. The letter also mentioned that he imagined himself annoyed by evil spirits. Through this question, says Sir James Clark, you will see the state of his mind. These extracts being communicated to the Council, Mr. Sombre was put under the surveillance of Dr. Sparki, who visited him once, and sometimes twice a day during a whole month, 20 which gave him an opportunity of making himself fully acquainted with his behaviour. Dr. Sparki affirms to be convinced that Mr. Sombre has nothing in all his thoughts and manners that denote his mind not having been in perfect order. It is well known that madmen have a very short memory; Mr. Sombre, on the contrary, possesses a very good one; he related to Dr. Sparki the biography of his youth, and even mentioned to him things that happened in the earliest part of his life. Dr. Sparki made him often answer the same questions two or three times over, but always received a direct and unhesitating answer; this physician declared by word and oath that Mr. David Ochterlony Sombre is in his perfect senses. The private physician of His Imperial Majesty, Dr. Arendt, who attended Mr. Sombre during four months, mentioned in a note to Dr. Sparki, on 30 the 6th February, that he is of the same opinion with him, and that during the time he visited him, he remarked nothing to create the least suspicion of his being deranged. Dr. Nivecoff, Council of State, communicated to the Council that in the month of February he visited Mr. Sombre three times; the first time he was accompanied by the learned secretary of the Council; their principal point was to find out the state of his memory; he was then indisposed and kept his bed, and, notwithstanding, he dressed and came out. Mr. Dyce Sombre informed these gentlemen that he had been poorly for the last four months, that he was attended by Dr. Arendt, and that Dr. Sparki frequently visited him. They stopped with him for almost an hour, during which time they conversed about his youth, and inquired the reason of his leaving his country; they also questioned him about his journey through the 40 Ganges and Calcutta, and from thence to England; they requested him to relate his travelling in Europe, and several other places; they put questions to him about the East

India Company, his confinement in England, his escape from Liverpool, and his journey from Hamburgh to St. Petersburg; they also made inquiries about the Archbishop, and his behaviour towards Mrs. Dyce Sombre. Notwithstanding his illness, Mr. Sombre answered all the questions in a clear and straightforward manner, without any hesitation and useless chatter. On leaving him these two gentlemen were fully persuaded that he was not in the least deranged. The second and third time Dr. Niceioff saw Mr. Sombre alone, the 12th and 13th of February, and stopped with him each time more than an hour. Dr. Niceioff tried to have the conversations on articles mentioned in a certificate from Paris; he spoke to him about the members of Lord St. Vincent's family; about his Lordship's fortune; and the details of Mr. David Ochterlony Dyce Sombre's acquaintance with his daughter, his courtship, domestic life, the confinement he suffered in his own house, his escape from Liverpool, and again questioned him about the Archbishop of Canterbury. The next day Dr. Niceioff put the very same questions to Mr. David Ochterlony Dyce Sombre, thinking that he might answer him contrary to the preceding day, but finding them quite the same, and not observing anything remarkable whatever in his behaviour, he announced to the Medical Council that Mr. David Ochterlony Sombre was at present in his perfect state of mind. Dr. Solomon, member of the Council, was not able to attend Mr. David Ochterlony Dyce Sombre, on account of his illness. The Medical Council having received the above reports, found it requisite to request the presence of Mr. David Ochterlony Dyce Sombre, the 20th February 1845. The same questions were again put to him, which he answered as before in a clear, distinct, and accurate manner, without showing any marks of derangement; consequently the Medical Council with all the above-mentioned results and proofs, declared and acknowledged, in the presence of Drs. Sparki, Niceioff, and the other members, that Mr. David Ochterlony Sombre was in perfect state of mind. This journal is signed by Dr. Mackew, Physician to Her Imperial Majesty, member of the Medical Council; Dr. T. Rule, private physician; Dr. Tarasoff, private surgeon; A. Richter, Director of the Medical Department under the Minister of Interior; Dr. Sparki, Appointed Council of State; Dr. Mendt, Appointed Council of State; Dr. Butkoff, Council of State; Dr. Otsolin, Vice-director of the Medical Department; Dr. Nechaiff, Physician to the Academy of St. Petersburg; Dr. Gertsog, Head Doctor of the Madhouse at St. Petersburg.

AFFIDAVIT of Lieutenant-colonel HENRY GROVE.

Affidavit of
Lieut.-colonel
Henry Grove.
Filed
9 March 1846.

DO make oath and say, that in the month of October last I was staying at Baden Baden, in Germany, where, during the period of three weeks, I almost daily met the above-named David Ochterlony Dyce Sombre at a public table d'hote, at which he and many other persons of the first respectability in the place dined, and that I frequently sat next to and conversed with him, as many other visitors at the same table also did, upon a variety of topics, and that upon no occasion whatever did the said David Ochterlony Dyce Sombre ever betray the smallest symptom of insanity, or the slightest aberration of mind. I also was informed, and believe, that the said David Ochterlony Dyce Sombre was at several small evening sociable parties given by ladies and gentlemen then residing 10 at Baden Baden, and that he frequently invited companies of ladies and gentlemen as his guests, at the same table d'hote, and that such parties of pleasure always passed off very agreeably, and with much good humour, the said David Ochterlony Dyce Sombre contributing his full share towards such amusements. I have also danced in the same set with him at a public ball, and seen him whilst riding alone on horseback treating his hired horse with great kindness, and invariably, at all such meetings as aforesaid, and upon all other occasions when I have been in his company, the said David Ochterlony Dyce Sombre has conversed and conducted himself in the most gentlemanly, calm, correct, and decorous manner possible. And I further make oath and say, that since my return to England, and within the last three weeks, I have had a friendly correspondence by 20 letter with the said David Ochterlony Dyce Sombre, which impresses me with the opinion that he possesses a gentlemanly mind, much good sense, and a perfect understanding, and I do not hesitate to say, that in my judgment and belief, the said David Ochterlony Dyce Sombre now enjoys a perfectly sound state of mind, and is fully capable of managing his own affairs.

HENRY GROVE.

AFFIDAVIT of JOSEPH FRANCIS OLLIFFE, M.D., of Paris.

SAITH, that he, this deponent, hath known and been well acquainted with the said David Ochterlony Dyce Sombre for and during the period of nearly three years, that is to say, from the 9th day of December 1843 up to the present time, and that he hath several times during that period attended the said David Ochterlony Dyce Sombre in the capacity of medical adviser. And this deponent further saith, that he hath also on numerous occasions during the period above-mentioned met, and received, and hath visited the said David Ochterlony Dyce Sombre in society, and that he hath had many opportunities of observing his character and conduct therein, and that they have invariably and without exception
 10 been characterised by a perfect correctness and soundness of manner and conduct, and that in numerous and frequent conversations which he, this deponent, hath had with the said David Ochterlony Dyce Sombre, he, the said David Ochterlony Dyce Sombre, hath always displayed the full and perfect powers of an active, thinking mind, and that he hath shown sound judgment and intelligence in observation and argument, and a perfect aptitude for business of every description. And this deponent further saith, that as to the said David Ochterlony Dyce Sombre being capable of managing and conducting his own pecuniary and general affairs, this deponent, from his acquaintance with and from his knowledge of the character and conduct of the said David Ochterlony Dyce Sombre, most emphatically and without any qualification saith, that he is not acquainted with any one person whom
 20 this deponent believes and considers more fit and proper to be entrusted with, and more capable of conducting and managing his affairs than the said David Ochterlony Dyce Sombre is of conducting and managing his own pecuniary and general affairs. And this deponent further saith, that he considers and believes the said David Ochterlony Dyce Sombre to be of perfectly sound mind, and his judgment and intellect to be perfectly clear. And this deponent saith, that so far as his belief extends, the said David Ochterlony Dyce Sombre hath led an uniformly regular life during the period of this deponent's acquaintance with him.

Affidavit of
 Joseph Francis
 Olliffe, M.D.
 Filed
 14 July 1846.

AFFIDAVIT of LOUIS JULES BÉHIER, Physician to the King of the
French, Professor of the Faculty of Medicine in Paris, &c.

Affidavit of
Louis Jules
Béhier.
Filed
14 July 1846.

SAITH, that he is well acquainted with and has known the said David Ochterlony Dyce Sombre for and during the space of three years ; that he was one of the doctors employed, in his capacity of medical inspector of the establishments for insane persons in the department of the Seine (left bank), on the first commission which was held in Paris to inquire and examine into the state of mind of the said David Ochterlony Dyce Sombre, and of which a report was drawn up, and to which he, this deponent, now refers for his opinion at that time. And this deponent says, that he has frequently seen and met the said David Ochterlony Dyce Sombre in the highest society ; that on two occasions, at balls given in 10 the Palace of the Tuileries, he has met the said David Ochterlony Dyce Sombre, and did, unknown to the said David Ochterlony Dyce Sombre, and for his, this deponent's, own satisfaction, watch the said David Ochterlony Dyce Sombre closely and with the greatest attention ; and this deponent declares that he could not once detect in his manners and general behaviour anything contrary to the conduct and bearing of a person in the entire possession of his mental faculties. And this deponent further saith, that he attended the said David Ochterlony Dyce Sombre during a serious illness (pleuropneumonia of the right side), and that he, this deponent, during his attendance upon the said David Ochterlony Dyce Sombre, never discovered anything whatever which betrayed in any manner whatsoever want of judgment or intelligence in the said David Ochterlony Dyce Sombre. And 20 this deponent further saith, that he has always during his visits to the said David Ochterlony Dyce Sombre found him fully capable of managing his own affairs, pecuniary and otherwise, and of a perfectly sound understanding. And this deponent further saith, that it is his positive opinion that the eccentricity, or rather originality, which he, this deponent, may have remarked in the ideas of the said David Ochterlony Dyce Sombre, arises solely from the peculiarity of his education ; that he, the said David Ochterlony Dyce Sombre, in his transactions with this deponent, has always conducted himself precisely as a gentleman in the full and sound possession of his mental faculties, and of good breeding, would have done. And this deponent, lastly, saith, that he has never discovered in the said David Ochterlony Dyce Sombre any of those symptoms which characterise insanity, and which 30 he, this deponent, as a medical inspector of the establishments for insane persons, is peculiarly competent to detect and ascertain ; and it is the firm and entire conviction and belief of this deponent that he, the said David Ochterlony Dyce Sombre, is in the full and perfect possession of all his mental and intellectual faculties, and capable of managing, directing and controlling his own property.

JOINT AFFIDAVIT of Sir ROBERT ALEXANDER CHERMSIDE, M. D.,
BEHIER, M. D., J. F. OLLIFFE, M. D., and DAN. M'CARTHY, M. D.

THE undersigned Physicians met in consultation on Wednesday, the 12th May 1847, and subsequently on Friday the 14th, at the request of Mr. Dyce Sombre, in order to inquire into his present state of mind, and to report thereon. Mr. Dyce Sombre stated, that he had been asked, by his legal advisers to attend affidavits, to be presented to the Lord Chancellor, who had not yet given judgment in his case," and he directed the attention of the undersigned to a Report drawn up by Drs. Southey and Bright, bearing date of the 26th day of September 1846. The Undersigned now proceed to give the
 10 result of their examination, which lasted two hours at each meeting. The first fully inquired into all the circumstances connected with the previous history of the case, and attentively discussed the points mentioned in the Report drawn up by two of them, Sir Sir Robert Chermiside and Dr. Behier, on the 13th October 1843, in the presence of the Prefect of Police. They severally examined Mr. Dyce Sombre on these points, and then gave their serious attention to the conclusions of the Report of Drs. Southey and Bright, relating to the impression which seems to have been at one time so strong on Mr. Dyce Sombre's mind, of his Wife's infidelity. Being closely questioned on this subject, he said that he was ready to retract all the accusations he had made against her on this score. That now the question was to him of but little importance, that his feeling
 20 towards her was one of indifference, that the real subject of complaint he had against her proceeded from her having brought upon him all the evils consequent on the Commission of Lunacy, but that he could not consent to apologize to one who had so treated him, though he would clear her character; that he supposed he must have been labouring under a delusion when he accused her of misconduct with several persons. On other subjects he answered most readily and willingly all the questions put to him. He acknowledged, for instance, that he was naturally of a jealous and irritable disposition, adding that in this respect he partook of the character common to persons brought up in the East. He said "that of late, and since he had been removed from the scene and causes of his troubles, he was less easily excited than formerly; that his feelings towards those whom he
 30 looked upon as adverse to his interests were not of angry nature, they were rather marked by indifference; that he considered himself perfectly able to manage his property, which was most unjustly withheld from him, &c. Respecting his intercourse with spirits, his explanations perfectly satisfied the undersigned that he was free from all delusion on that head. With reference to his fears, to which the Report above-mentioned alludes, that poison had been mixed with his food, the undersigned are of opinion that these ideas (which he no longer entertains) originated in, and are the traces of, the impressions so generally prevalent and accredited in India, of the existence and frequent employment of slow poisons and drugs producing deleterious effects on the animal system. In conclusion, the

Joint Affidavit
of Dr.
Chermiside,
and others.
Sworn,
at Paris,
15 May 1847,
and filed
10 July 1847.

Joint Affidavit
of Dr. ^a
Chermside,
and others.

undersigned consider Mr. Dyce Sombre of sound mind, and perfectly competent to manage his affairs ; and they beg at the same time to point out the serious difference which must exist between a person reared like Mr. Dyce Sombre in the midst of Eastern ideas and prejudices, and one who has been from his childhood accustomed to the usages of European society. The undersigned cannot separate without expressing their surprise on perusing the last paragraph in the Report submitted to their notice, stating that the Physicians both in England and the Continent, who had expressed an opinion favourable to Mr. Dyce Sombre's sanity, had been ill-furnished with the facts and early history of the case. The undersigned feel themselves called upon to declare that they have considered it their duty to inquire fully and minutely into all the facts connected with the early history 10 of the case. In confirmation of their assertion, they refer to the Report already mentioned, signed by Sir Robert Chermside and Dr. Behier, in which, among other data, they were directed by a letter from Sir James Clark to Sir Robert Chermside, as well as by the evidence taken before the Commission of Lunacy.

Paris, May 15, 1847.

ROBERT ALEXANDER CHERMSIDE, M.D.
BEHIER, M.D.
J. F. OLLIFFE, M.D.
DANIEL M'CARTHY, M.D.

JOINT AFFIDAVIT of Sir ROBERT ALEXANDER CHERMSIDE, 20
J. F. OLLIFFE, M.D., and D. M'CARTHY, M.D.

Joint Affidavit
of Dr.
Chermside,
and others.
Sworn,
at Paris,
6 July 1847.
Filed
10 July 1847.

THE undersigned Physicians were called in by Mr. Dyce Sombre on Monday 5th July 1847, in order to inquire into his present state of mind, and to ascertain what change, if any, had taken place in his mental faculties since they reported on his case on the 15th May last. They again examined Mr. Dyce Sombre on the various subjects canvassed in their former visits, and enumerated in the above named report, to which they refer for details ; and they now without hesitation renew the declaration they made at that period, namely, that they are of opinion that Mr. Dyce Sombre is in the enjoyment of a sound state of mind, and perfectly competent to manage his affairs. Mr. Dyce Sombre in the course of conversation with the undersigned, mentioned that he was anxious to leave Paris, alleging that 30 his health suffered from his continued sojourn there (a statement which was confirmed by Dr. Olliffe, his usual medical attendant) ; and he also expressed a wish to revisit India, to look after his affairs and estates there.

AFFIDAVIT of the Count of TABASZ KROSNOWSKI, Lieutenant-Colonel,
and a Chevalier.

I, Count of Tabasz Krosnowski, Lieutenant-colonel and a Chevalier, residing at Paris, rue Cosse du Rempart, No. 44, after having taken an oath before the consul of Her Britannic Majesty, declare that I have known the above said David Ochterlony Dyce Sombre for four years under the most favourable circumstances, having seen him on many occasions during that time at Lady Clavering's house, and met him in the best society of Paris ; and especially I say, that from the month of November last till the middle of the following month of May, I have been habitually with him every week at Lady Clavering's house, and that since the
10 month of June last, I have habitually met him riding on horseback ; that the said David Ochterlony Dyce Sombre has attended " Soirées " at my wife's, the Countess Krosnowski, in the years 1846 and 1847 ; that on his invitation, I dined with him at the Palais Royal on the 4th of April last, in the company of Baron de Montmorency and an English gentleman ; that I have often played at whist with the said David Ochterlony Dyce Sombre, a game the rules of which he seems to understand very well ; that on most occasions when I met with him, we conversed on various subjects ; that I never perceived in the manners or observations of the said David Ochterlony Dyce Sombre anything that induced me to suppose that his reason was in the least injured ; that on the contrary my opinion is that he is a man of a sane judgment, who has the full use of his intellectual faculties ; and in
20 fine I must say that I have always found his conduct perfectly proper.

Affidavit of
the Count of
Tabasz
Krosnowski.
Sworn,
at Paris,
9 July 1847.

AFFIDAVIT of SOPHIE de GREFENILLE, the Widow of M. NOIROT,
keeping the Hotel " La Duchesse de Kent," Rue de Rivoli, Paris.

I declare that the above said Ochterlony Dyce Sombre arrived at my hotel for the first time on the 31st of March 1845, and that he remained there till the 9th of June of the same year ; that he entered it again on the 1st of September, next, and that he remained there till the 20th of June 1846 ; that he entered it again on the 10th of July of the same year, and that he left it again on the 28th of the same month ; lastly that he returned to my said hotel in the month of September 1846, and that he has remained there to this day. And I declare that since the above said David Ochterlony Dyce Sombre has been in my
30 hotel, I caused to be delivered to him habitually every fortnight his bills for meals, apartments, and other expenses, and that before settling for those bills he always examined them carefully, and that if there happened to be any error, as for instance if a single day too much was charged him for his apartments, he did not fail to perceive it, and to require that it should be rectified. And I declare besides, that after all I have seen during all the time

Affidavit of
Sophie
de Grefenille,
the Widow of
M. Noirot.

Affidavit of
Sophie
de Grefenille,
the Widow of
M. Noirot.

that the said David Ochterlony Dyce Sombre has lived in my house, I consider he is by no means prodigal of his money, and that he is quite able to protect his pecuniary interests and to conduct his own affairs; and lastly, I declare that neither in my conversations with the said David Ochterlony Dyce Sombre, nor in his manners, have I ever perceived the least sign of mental aberration; on the contrary, I always considered him since I knew him as a man enjoying quite fully his intellectual faculties.

JOINT AFFIDAVIT of DANIEL M'CARTHY, M. D. P., THOMAS
DAVISON, M. D., and CHARLES SHRIMPTON, M. D.

Joint Affidavit
of Daniel
M'Carthy,
M. D. P.,
and others.
Sworn,
at Paris,
5 June 1848.
Filed
17 June 1848.

THE undersigned Physicians, having, at the request of Mr. Dyce Sombre, consulted together for the purpose of ascertaining his present mental condition, and having taken 10
into consideration a document purporting to be a copy of a report dated Brighton, 5 August, 1847, and signed by Drs. Bright and Southey, have unanimously adopted the following conclusions:

1st. The statements relative to the legitimacy of the Baroness Solaroli do not appear to have any bearing whatever upon the question of Mr. Dyce Sombre's state of mind, particularly if correct. Their truth, according to Mr. D. Sombre, can easily be ascertained by reference to Mr. Princep and others, to whom it is surprising that no application should have been made on the subject previously to the drawing up of the Brighton Report.

2d. Mr. D. Sombre having been asked what are the grounds of his distrust of his solicitors, the answer was that it arose from his conversations with themselves. The under- 20
signed physicians do not see in this distrust or in its alleged motive any argument unfavourable to Mr. Dyce Sombre's mental condition.

3d. Putting aside the question of Mrs. Dyce Sombre's infidelity, which Mr. Dyce Sombre assures the undersigned he casts from his mind, he adds that the incompatibility of their tempers must still explain the cause of their future separation.

4th. "It is difficult," says the Brighton Report, "to believe in the entire removal of the delusion in question, whilst any feeling hostile to Mrs. Dyce Sombre seems to subsist;" Mr. Dyce Sombre has constantly expressed himself in the presence of the undersigned very moderately with regard to Mrs. Dyce Sombre, and he further asserts that he entertains towards her no hostile feeling.

5th. The undersigned are happy to say that it has not been more in their power than in that of Drs. Bright and Southey, to detect any positive delusion in Mr. Dyce Sombre's mind, and they agree entirely with the above-named gentlemen in considering him fully competent to the management of himself and his property.

The undersigned think it right to add, that since the end of the year 1843, Mr. Dyce Sombre has spent his time on the Continent, and a considerable portion of it in the city of

Paris, where they have had occasion to meet him in society ; his deportment has invariably been of a mild and gentlemanly character ; he has given frequent proofs of an unimpaired memory, a fact which may be confirmed by a perhaps trivial but striking illustration, viz. his acknowledged superiority at whist, and he has not by his conduct confirmed the suspicions of insanity under which he is said to have laboured in England.

Joint Affidavit
of Daniel
M'Carthy,
M. D. P.,
and others.

**AFFIDAVIT of Count TABASZ KROSNOWSKI, Lieutenant-Colonel
Chevalier, 44, Rue Basse du Rempart.**

I, Count of Tabasz Krosnowski, Lieutenant-Colonel Chevalier, residing at Paris, 44, Rue Basse du Rempart, having been sworn before Her Britannic Majesty's Consul, declare, that I have known the aforesaid David Ochterlony Dyce Sombre under the most favourable colours, having seen him on several occasions during the last five years at Lady Clavering's, and having met him in the best Parisian society ; and moreover I say that from the month of November 1846, up to the middle of the month of June 1847, I habitually met him every week at the said Lady Clavering's ; and that from the said month of June up to the month of August last (the epoch when the said David Ochterlony Dyce Sombre left Paris to travel), I met the aforesaid David Ochterlony Dyce Sombre several times on horseback ; that the said David Ochterlony Dyce Sombre had attended evening parties at my wife's, the Countess Krosnowski, in the year 1847 ; that, invited by him, I dined with him at the Palais Royal on the 4th of April 1847, in the company of Baron De Montmorency and of an English gentleman ; that I have often played at whist with the said David Ochterlony Dyce Sombre, a game the rules of which he seems to know very well, and that he always preserved the very best temper whether he lost or won, he moreover never playing for more than fifty centimes each game ; that since the month of April last, at which, or about which time the said David Ochterlony Dyce Sombre had returned to the said town of Paris, I met him three times at the said Lady Clavering's, and that, on my invitation, he came three times to my house, namely, on Tuesday, the 6th of June, and twice before ; that every time I happened to be with the said David Ochterlony Dyce Sombre this year since his return to Paris, and most occasions when I met him the preceding years, I conversed with him on various subjects ; that I never perceived in the manners or observations of the said David Ochterlony Dyce Sombre anything that might induce me to suppose that his reason was at all affected ; that, on the contrary, it is my opinion that he is a man of a sane judgment and in the full possession of his intellectual faculties ; and lastly, I must say that I have invariably found his conduct perfectly proper.

Affidavit of
Count Tabasz
Krosnowski.

Sworn,
at Paris,
9 June 1848.
Filed
17 June 1848.

AFFIDAVIT of HENRY MONTUCCI, Doctor of Sciences of the University
of Siena, &c.

Affidavit of
Henry
Montucci.
Sworn,
at Paris,
13 June 1848.
Filed
17 June 1848.

I, Henry Montucci, Doctor of Sciences of the University of Siena, Professor at the "Ecole des Arts industriels et du Commerce," of the City of Paris, residing at No. 7, Rue de Bourgoyne, in the said City of Paris, make oath and say, that I well understand the English language ; that from the 13th day of May last to the 9th day of the present month of June I have daily, Sundays excepted, given lessons, which lasted on average an hour each, to the above-named David Ochterlony Dyce Sombre in geometry and algebra, in which sciences he had not, I believe, received any instruction previously to his putting himself under my tuition, although he has since given proofs of having made fair progress in ordinary 10 arithmetic. That in algebra the said David Ochterlony Dyce Sombre is now treating simple equations of the first degree ; and I say that in so doing, the said David Ochterlony Dyce Sombre shows himself perfectly capable of proceeding by a train of deductions, and generally displays at least an ordinary aptitude, regard had to his age, for acquiring a knowledge of the above-mentioned sciences, and that he has made whilst under my tuition at least as much progress therein as any adult of ordinary powers could be expected to make in the same time. And I say, that I have taught the above-mentioned sciences during 15 years, and that several of the persons who received instructions from me therein were adult at the time of their so doing. And I say, that I have never discovered any symptom of insanity or weakness of intellect in the said David Ochterlony Dyce Sombre, 20 and that I consider that he is of perfectly sound mind.

JOINT AFFIDAVIT of DENISE BOURDOIT, Widow of Mons. FRANCIS
SIMON, and AUGUSTUS SIMON, her Son.

Joint Affidavit
of Denise
Bourdoit,
Widow of
Mons. Francis
Simon, and
Augustus
Simon,
her Son.
Sworn,
at Paris,
17 June 1848.
Filed
23 June 1848.

FIRSTLY the said Denise Bourdoit, for myself, declare as follows: That towards the middle of April last I let to the aforesaid David Ochterlony Dyce Sombre an apartment in the said house, Place de la Madeleine, for a month, and that he entered the same apartment on the nineteenth of the aforesaid month of April, and that he resided in it till the nineteenth of the following month ; I declare, moreover, that during that time I conversed several times on various days with the aforesaid David Ochterlony Dyce Sombre on many subjects, mostly connected with the relation between a lodger and a principal tenant, 30 which existed between him and me. And I declare that when the said David Ochterlony Dyce Sombre took the same apartment he debated with me about the terms, and that he has shown himself in this circumstance, as well as in some others where matters of money, even of trifling importance, were concerned, by no means prodigal, and very well able to

protect his pecuniary interest. Moreover I declare that I found the manners of the said David Ochterlony Dyce Sombre quite polite and sociable, and that I have always found the aforesaid David Ochterlony Dyce Sombre very lucid in his ideas, and that I have remarked nothing, either in his manners or in his temper, which might make me suppose that his mind is not perfectly sane. And I, the aforesaid Auguste Simon, for myself, declare that I was present at many of the interviews, which are here above mentioned, between the said Madame Simon, my mother, and the said David Ochterlony Dyce Sombre, and that according to my personal knowledge the aforesaid David Ochterlony Dyce Sombre has proved that he is economical; and that concerning his manners and
 10 temper I share the favourable opinion which my mother has here above expressed. And I declare, moreover, that I believe that the said David Ochterlony Dyce Sombre is in the full enjoyment of his intellectual faculties.

Joint Affidavit
 of Denise
 Bourdoit,
 Widow of
 Mons. Francis
 Simon, and
 Augustus
 Simon,
 her Son.

AFFIDAVIT of AUGUSTE KASTENBEIN, Servant of Mr. DYCE SOMBRE.

I, AUGUSTE Kastenbein, residing at No. 2, Rue des Pyramides, in the town of Paris, declare that I have been in the service of the aforesaid David Ochterlony Dyce Sombre from the 1st of the month of September last as his valet-de-chambre, and that I am still with him in that capacity; and I declare moreover that during all the time I have been in the service of the said David Ochterlony Dyce Sombre all the instructions and all the orders that the said David Ochterlony Dyce Sombre has given me have been perfectly
 20 reasonable, and such as any master of a perfect judgment might have given me in the same circumstances. And I declare, besides, that since I have been in the service of David Ochterlony Dyce Sombre I have presented to him from to time, that is to say, every fortnight or every three weeks, my accounts for the small articles I had purchased for him, and that the said David Ochterlony Dyce Sombre, before paying me those accounts, has always examined them with a scrupulous attention, and often asked me for particulars on some articles among them. And I declare moreover that I have often been present when the tradesmen of the said David Ochterlony Dyce Sombre called to receive what was due to them; and that the said David Ochterlony Dyce Sombre before paying them has always examined with care their respective bills, and that several times he has
 30 complained that the price marked for certain objects was too high, and that he has sometimes obtained a diminution of price; and I declare, besides, that the said David Ochterlony Dyce Sombre has never settled either with me or to my knowledge with any other person, except on receiving a receipt. And I declare besides that I firmly believe that the said David Ochterlony Dyce Sombre's mind is sane.

Affidavit of
 Auguste
 Kastenbein.
 Sworn,
 at Paris,
 17 June 1848.
 Filed
 23 June 1848.

AFFIDAVIT of JOHN AYRTON PARIS, M. D., President of the Royal
College of Physicians.

Affidavit of
John Ayrton
Paris, M. D.

Sworn
6 Jan. 1849.
Filed
1 Feb. 1849.

I, John Ayrton Paris, M. D., President of the Royal College of Physicians, and residing at 27 Dover-street, Piccadilly, make oath, and say, that having been called upon to examine the mental state of David Ochterlony Dyce Sombre, on or about the eighth day of December last ; and having previously heard that the said David Ochterlony Dyce Sombre had been found of unsound mind by a Commission of Lunacy in the year 1843, and had since that period undergone many examinations by medical men, on the Continent and in England, whose opinions were divided as to his sanity ; I entered upon his examination with the greatest scrutiny and circumspection. And I say that I have read the short-hand writer's 10 notes of the three days' examinations of the said David Ochterlony Dyce Sombre, by Drs. Bright and Southey, Sir James Clark and Mr. Martin, on the 1st, 2d, and 6th days of November 1848 ; also the reports of Drs. Bright and Southey, of September 26th, 1846, and August 5th, 1847 ; and the report of Drs. Bright and Southey, Sir James Clark and Mr. Martin, of November 18th, 1848, addressed to the Lord Chancellor. And I say that I feel myself compelled by a sense of justice, solemnly to state my belief and conviction, founded upon several interviews with and examinations of the said David Ochterlony Dyce Sombre, and after five consultations with Dr. Mayo, Dr. Morison, Dr. Copland, Dr. R. Ferguson, and Dr. Costello, as stated in our joint report or letter bearing date December 24th, 1848, and addressed to the Lord Chancellor, that I have been unable to detect the existence 20 of any insane delusion whatsoever in the mind of the said David Ochterlony Dyce Sombre. And I further say, that I am of opinion that unless the present Commission of Lunacy against the said David Ochterlony Dyce Sombre be superseded, and the various restrictions under which he now labours be removed, the most pernicious results, both mentally and bodily, with regard to the future state and prospects of the said David Ochterlony Dyce Sombre must be apprehended. And I say that I am enabled to arrive at that opinion from the various opportunities afforded me during a long and extensive professional practice as Commissioner of Lunacy under the late Act of Parliament, in which capacity I have had the investigation of numerous cases of insanity, both at the public insane institutions and in private practice, as also in very general consultations. And lastly, 30 I refer to the said joint report or letter addressed to the Lord Chancellor, of December 24th, 1848, in which I have stated my reasons more fully for my firm belief that the said David Ochterlony Dyce Sombre is perfectly sane, and fully capable to conduct himself and his pecuniary affairs, and ought as a matter of justice to be restored to his property and liberty.

AFFIDAVIT of ROBERT FERGUSON, M. D.

I, the undersigned, Robert Ferguson, M. D., of No. 125, Park-street, Grosvenor-square, in the county of Middlesex, having been called upon to give my opinion as to the mental condition of sanity or insanity of David Ochterlony Dyce Sombre, had for that purpose four lengthened interviews with him in private, and four consultations with Drs. Paris, Mayo, Alexander Morison, Copland and Costello, who were appointed jointly with me to examine him with that object; moreover, I have carefully read over sundry reports and documents, alleging proofs or presumptions of the insanity of the said David Ochterlony Dyce Sombre, namely, a Report of Drs. Bright and Southey, dated the 26th of September 1846, a second
 10 Report dated 5th August 1847, a third Report dated 18th November 1848; also the short-hand writer's notes of examinations of the said David Ochterlony Dyce Sombre, carried on for three days, the 1st, 2d, and 6th of November 1848, by Drs. Bright and Southey, Sir James Clark and Mr. Martin. And I do hereby make oath and say, that I believe the said David Ochterlony Dyce Sombre to be quite competent to manage his affairs; and that therefore the documents above referred to have entirely failed to establish in my mind any proof of the insanity of the said David Ochterlony Dyce Sombre. And I say that the grounds of this my conviction are more fully stated and detailed in a Report signed by Dr. Paris, myself, and the other medical gentlemen before mentioned, bearing date the 24th of December 1848, and in which report it is unanimously declared to be our opinion, that the continuance
 20 of the present commission of lunacy against the said David Ochterlony Dyce Sombre must be productive of dangerous consequences affecting his mental and bodily health, and ought therefore to be superseded.

Affidavit of
 Robert
 Ferguson, M. D.
 Sworn
 8 Jan. 1849.
 Filed
 1 Feb. 1849.

AFFIDAVIT of THOMAS MAYO, M. D.

I, the undersigned, Thomas Mayo, M. D., of No. 56, Wimpole-street, in the county of Middlesex, having had seven interviews with the above-named David Ochterlony Dyce Sombre, and four consultations with my colleagues, and having carefully read over the Reports of Drs. Bright and Southey, bearing date the 26th day of September 1846, and the 5th day of August 1847, together with the one bearing date the 18th day of November 1848, as also the shorthand writer's notes of the three days' examinations, bearing date the
 30 first, second, and sixth days of November 1848, inclusive, as carried on by Drs. Bright and Southey, Sir James Clark and Mr. Martin, in order to become fully acquainted with the insane delusions under which it was alleged the said David Ochterlony Dyce Sombre laboured, do hereby make oath and say, that it is my belief and conviction, that the actions and remarks of the said David Ochterlony Dyce Sombre, on which these allegations are founded, would, if even substantiated, tend to the proof not of insanity, but only of immoral

Affidavit of
 Thos. Mayo,
 M. D.
 Sworn
 4 Jan. 1849
 Filed
 1 Feb. 1849

Affidavit of
Thos. Mayo,
M. D.

habits and an ill regulated mind. That I have examined these imputed actions and remarks in detail, under six heads, as expressed in the joint Report of Dr. Paris, myself, and others, bearing date the 24th day of December 1848, and have carefully examined the said David Ochterlony Dyce Sombre himself in reference to them, and I find this conviction strengthened by such scrutiny ; and I say that I moreover find the above mentioned allegations are not substantiated, for that the actions and opinions imputed to the said David Ochterlony Dyce Sombre admit of explanation perfectly different from that on which the Reports of Drs. Bright and Southey, Sir James Clark, and Mr. Martin are founded. And I say that I have in the course of my inquiries found no evidence of the existence of any such delusive opinion as would imply, under the circumstances of the said David Ochterlony Dyce Sombre 10 described in the last mentioned report, an unsound mind. That in all points, my interviews with the said David Ochterlony Dyce Sombre strongly impressed on me a firm conviction that he is sound in mind, and competent to manage his person and property. That I am also impressed with the belief, that the singular position in which he remains at present, the privations which he undergoes, and his strong sense of injustice as involved in these privations, are calculated to produce a very dangerous effect upon the bodily and mental health of the said David Ochterlony Dyce Sombre, and that this effect ought to be anticipated by his immediate restoration to his liberty, and to the full enjoyment of his property. And I further make oath and say, that I have arrived at the above conclusions, having had the advantage of experience in mental disease during my whole professional life, having held 20 the appointment of visitor at a very large lunatic asylum in Sussex for 15 years, and having been appointed in the year 1840 by the Marquis of Normandy, to conduct with Dr. Southey an inquiry into the state and management of the hospital at Bethlem.

AFFIDAVIT of ALEXANDER MORISON, M. D.

Affidavit of
Alex. Morison,
M. D.
Sworn
4 Jan. 1849.
Filed
1 Feb. 1849.

I, the undersigned, Alexander Morison, M.D., of No. 26, Cavendish-square, in the county of Middlesex, having had seven interviews with the above-named David Ochterlony Dyce Sombre and four consultations with my colleagues, and having carefully read over the Reports of Doctors Bright and Southey, bearing date respectively the 26th day of September 1846 and the 5th day of August 1847, together with the Report bearing date the 18th day of November 1848, as also the shorthand writer's notes of the three days' examinations 30 bearing date November the 1st, 2d and 6th, 1848, inclusive, as carried on by Doctors Bright, Southey, Sir James Clark and Mr. Martin, in order to become fully acquainted with the insane delusions under which it was alleged the said David Ochterlony Dyce Sombre laboured, do hereby make oath and say, that it is my belief and conviction that the actions and remarks of the said David Ochterlony Dyce Sombre on which these allegations are founded, would if substantiated tend to the proof not of insanity, but only of immoral

habits and an ill-regulated mind. That I have examined the imputed actions and remarks in detail under six heads, as expressed in the joint Report of Dr. Paris, myself and others, bearing date the 24th day of December 1848, and I have carefully examined the said David Ochterlony Dyce Sombre himself in reference to them, and that I find this conviction strengthened by the scrutiny; and I say that I moreover find the above-mentioned allegations are not substantiated, for that the actions and opinions imputed to the said David Ochterlony Dyce Sombre admit of explanation perfectly different from that on which the Reports of Doctors Bright, Southey, Sir James Clark and Mr. Martin are founded. And I say that I have in the course of my inquiries found no evidence of the existence of any

10 such delusive opinions as would imply, under the circumstances of the said David Ochterlony Dyce Sombre described in the last-mentioned Report, an unsound mind. That in all points my interviews with the said David Ochterlony Dyce Sombre strongly impressed on me a firm conviction that he is sound in mind, and competent to manage his person and property. That I am also impressed with the belief that the singular position in which he remains at present, the privations which he undergoes, and his strong sense of injustice as involved in these privations, are calculated to produce a very dangerous effect upon the bodily and mental health of the said David Ochterlony Dyce Sombre, and that this effect ought to be anticipated by his immediate restoration to his liberty, and to the full enjoyment of his property. And I lastly make oath and say, that I have arrived at the above

20 conclusions, having had the advantage of long and extensive experience in mental disease as Physician to Bethlem Hospital, to the Surrey County Lunatic Asylum, Visitor of the private Lunatic Houses in the County of Surrey, and Consulting Physician, in cases of great difficulty and emergency, of the Middlesex County Lunatic Asylum at Hanwell.

Affidavit of
Alex. Morison,
M. D.

AFFIDAVIT of WILLIAM B. COSTELLO, M. D.

I, the undersigned, William B. Costello, M. D., Principal of Wyke House Asylum, Brentford, being one of the Physicians invited to examine David Ochterlony Dyce Sombre in the month of December last past, make oath and declare, that I had eight successive interviews on different days with him, three of which took place apart from my colleagues, namely, Dr. Paris, Dr. Mayo, Sir Alexander Morison, M. D., Dr. Copland and Dr. Ferguson,

30 and the five others conjointly with them. And I say that I have carefully read the Reports of Drs. Bright and Southey, dated September 26th, 1846, and August 5th, 1847, as also the Report of Drs. Bright and Southey, Sir James Clark and Mr. Martin, dated November 18th, 1848, together with the shorthand writer's notes of the examinations held for three days, November 1st, 2d and 6th, 1848, at Mivart's Hotel, with various other papers bearing on the case of the said David Ochterlony Dyce Sombre. And I say, that having maturely considered the foregoing documents both separately and conjointly with my colleagues in a series of searching interrogations of the said David Ochterlony Dyce Sombre, held at

Affidavit of
W. B. Costello,
M. D.

Sworn,
10 Jan. 1849.
Filed
1 Feb. 1849.

Affidavit of
W.B. Costello,
M. D.

Mivart's Hotel, and continued at several times between 6th and 24th of December inclusive, both by day and night, I have had the most ample facility for becoming acquainted with all the delusions (if any such existed at the present time) under which it was alleged he still laboured. And I say that it does not consist with experience that persons labouring under delusions of the intellect should be able to conceal such delusions for a length of time under harassing, frequent and protracted examinations, the delusionist being, in fact, incapacitated for such an effort by the very nature of his mental affection. That it is quite true, however, that persons labouring under that form of cerebral irritation called by our Pritchard "Moral Insanity," and by Esquirol "Manie Raisonante," the perversion of the sentiments, when complicated with delusions, have the full power of concealing them except- 10
ing at the times (often far between) when the perversion is for the moment exalted to the pitch of maniacal intensity, but that none of the referees or reporters have at any time alleged that the said David Ochterlony Dyce Sombre was labouring under this form of insanity. And I further declare, that I was unable to detect any kind of delusion, hallucination or mental aberration whatsoever, and that the grounds of this declaration are set forth more fully and minutely in a joint report or letter bearing date the 24th day of December 1848, addressed to the Lord Chancellor, and signed by my colleagues and myself, affirming for each and all of us our entire belief and conviction that the said David Ochterlony Dyce Sombre is quite sane of mind, and fully competent to the management of himself and his affairs, and consequently that the Commission of Lunacy affecting him should 20
immediately be superseded, inasmuch as its continuance must in the end be dangerous to his mental and bodily health. And lastly I say, that if the said David Ochterlony Dyce Sombre were now detained in any licensed house it would be the duty of the Commissioners in Lunacy to order his instant discharge.

AFFIDAVIT of JAMES COPLAND, M. D.

Affidavit of
James
Copland,
M. D.
Sworn
10 Jan. 1849.
Filed
1 Feb. 1849.

I, the undersigned, James Copland, M. D., of No. 5, Old Burlington-street, in the county of Middlesex, have had six private interviews with the above-mentioned David Ochterlony Dyce Sombre, and four consultations with the other physicians, *videlicet*, Drs. Paris, Mayo, Sir Alexander Morrison, Ferguson, and Costello, whom he has consulted, and having carefully read over the Reports of Doctors Bright and Southey, bearing date respectively the 30
26th of September 1846, and the 5th of August 1847, together with the Report bearing date the 18th of November 1848, and having perused also the shorthand writer's notes of the three days' examinations, bearing date the 1st, 2d, and 6th of November 1848, as carried on by Drs. Bright and Southey, Sir James Clark, and Mr. Martin, in order to become fully acquainted with the insane delusions which the said David Ochterlony Dyce Sombre was alleged to be labouring under, do hereby make oath and say, that it is my belief and conviction that the remarks and the actions of the said David Ochterlony Dyce

Sombre, on which these allegations are based, would, even if fully substantiated, not tend to the proof of insanity, but only to an ill-regulated mind and immoral habits. That I have examined these imputed actions and remarks in detail under the six heads stated in the joint Report of Dr. Paris, Dr. Mayo, myself, and others, bearing date the 24th December 1848; and I have carefully examined the said David Ochterlony Dyce Sombre himself with strict reference to them, and I find this conviction strengthened by the scrutiny. And I say that I moreover find the above-mentioned allegations are not substantiated, for that the actions and opinions imputed to the said David Ochterlony Dyce Sombre admit of obvious explanation perfectly different from that on which the Reports of
 10 Drs. Bright and Southey, Sir James Clark, and Mr. Martin are founded. And I say that I have, in the course of my inquiries, found no evidence of the existence of any such delusive opinions as would imply, in the circumstances of the said David Ochterlony Dyce Sombre described in the last-mentioned report, an unsound mind. That in all points my interviews with the said David Ochterlony Dyce Sombre impressed on me the firm conviction that he is sound in mind, and quite competent to manage his person and property. That I am also impressed with the belief that the singular position in which the said David Ochterlony Dyce Sombre is at present placed, the privations to which he is subjected, and his strong sense of injustice as involved in his position and privations, are calculated to produce very dangerous effects upon the bodily and mental health of the said
 20 David Ochterlony Dyce Sombre, and that these effects ought to be prevented by his immediate restoration to his liberty, and to the full enjoyment of his property. And I lastly make oath and say, that I have arrived at the above conclusions, having had considerable experience in mental disorders, and having devoted much time to the study of them during my professional life, and having written and published extensively on the nature and treatment of their several forms and states.

Affidavit of
 James
 Copland,
 M. D.

AFFIDAVIT of HENRY THOBY PRINSEP, Esq.

I, HENRY THOBY PRINSEP, of 37, Hyde Park Gardens, London, do make oath and say, that I have known David Ochterlony Dyce Sombre, esquire, since I was in India, having first seen him in the year 1830, when secretary to Governor-general Lord William Bentinck
 30 during his tour in Hindoostan. That I saw him afterwards in Calcutta in the years 1838 and 1839, when he resided there for some time before coming to England, as stated in my previous affidavit. That with respect to the question of Madam Solaroli's legitimacy, I have no personal knowledge of the fact, never having been at Sirdhana, where I believe she was born and brought up. That the customs observed in the Harem, or Zenana of the old Begum Somras, whose name and title was Zeeb-oon-nissa Begum, were those of a Mahomedam family, she having been of that faith before her connexion with Monsieur

Affidavit of
 Henry Thoby
 Prinsep, Esq.
 Sworn
 9 Jan. 1849.
 Filed
 1 Feb. 1849.

Affidavit of
Henry Thoby
Prinsep, Esq.

Renaud, who bore the name of Sombre. That according to the custom of such families, children of slave girls and khuwases, or concubines, have equal rights of inheritance with children of the married wife, except in so far as the latter may be secured in a preference by a marriage bond or settlement; that no difference is ever made in the bringing up such children, and with respect to their position in society, it may be sufficient to mention that the Nawabs of Hyderabad and Moorshadabad, and the Kings of Oudh, sons of Sadut Ulee, are, or have been the children of such parentage. That if Madam Solaroli be, as alleged by the said David Ochterlony Dyce Sombre, the daughter of a slave girl or concubine of his mother's Harem, or Zenana, she would, according to my knowledge and belief as to the customs of such persons, have been brought up and treated as a sister of the legitimate 10 children, without any distinction; and that it is not likely that any Europeans visiting the family would ever be led to inquire into the circumstances of her parentage, or learn them otherwise than from general report. That the said David Ochterlony Dyce Sombre expressed to me surprise that I was not fully acquainted with all the particulars, and further stated, that he had the impression that I was present when Mr. Glyn and others made a statement before the late Lord Chancellor to the effect; but on referring to Mr. Glyn, that gentleman had denied this fact, which also much surprised him. That I stated upon this, to the said David Ochterlony Dyce Sombre, that he must have been mistaken, for that I was never before the Lord Chancellor, and never saw him at all, in 20 court or out of court, until I waited upon him in chambers at Westminster with his, David Ochterlony Dyce Sombre's, letter, complaining of Mr. Warwick's conduct, and of his own want of means. That after conversing with Mr. David Ochterlony Dyce Sombre on this subject, he was at last convinced, and said that he must have taken up this impression from a dream, but had been fully convinced of its reality. And I further say, that I had correspondence with Mr. David Ochterlony Dyce Sombre on the subject of his relations while Mr. David Ochterlony Dyce Sombre was travelling in 1844, and Mr. David Ochterlony Dyce Sombre referred me to Lord Metcalfe, as thoroughly acquainted with all matters connected therewith. That consequently, upon Lord Metcalfe's return from Canada, I waited on him, and had conversation with him on that subject, when his Lordship told me it was his impression, and the generally received opinion at Dehlee, that the mother of 30 Mr. David Ochterlony Dyce Sombre was married to Colonel Dyce according to some Christian form, and he believed Mrs. Troup to be Mr. Ochterlony Dyce Sombre's full sister, and both children of that marriage; that he was not so well acquainted with the parentage of the other sister, Mrs. Solaroli, and could not speak so positively on the subject of her legitimacy or illegitimacy. That Mr. David Ochterlony Dyce Sombre had not at that time told me the circumstances communicated afterwards in his letters and statement on the subject, otherwise I should of course have mentioned the same to Lord Metcalfe to assist his memory, the reference to his Lordship having been only conveyed in general terms. And I further say, that I was consulted by Mr. David Ochterlony Dyce Sombre about his interview with Doctors Southey, Bright, Sir James Clark, and Martin, 40 and in particular was asked by Mr. David Ochterlony Dyce Sombre to engage a shorthand writer to be present to take notes of the examinations, in order to prevent misunderstand-

Affidavit of
Henry Thoby
Prinsep, Esq.

ing, such as he stated had occurred in respect to previous examinations. That I was with him on the day of the first examination before the arrival of the physicians, the shorthand writer being in attendance, when I advised him to obtain the consent of the physicians to the presence of the shorthand writer during the examination, which I could imagine no reason for their refusing. That in this conversation Mr. David Ochterlony Dyce Sombre had a bottle of salts of ammonia, which he was continually smelling; that I asked the reason, and he stated that he was very nervous at the approaching examination, upon which so much depended; and he appeared to me to be much less collected on that day than usual. Still that Mr. David Ochterlony Dyce Sombre, when the physicians had left him
10 on that day, made notes himself in pencil, separately from those of the shorthand writer, and without seeing them or consulting him, and sent the same to me that same evening, and that the manner of the preparation evinced, in my opinion, much sense, an excellent memory, and a very sane intellect, although there were matters referred to which appeared to me to be left imperfect at the examination. And I further say, that I have been in frequent correspondence and communication with Mr. David Ochterlony Dyce Sombre, and am so still, and that I believe him to be fully competent to the management of himself and of his own affairs, very intelligent and accurate in matters of account, and of excellent judgment in ordinary business, and in correspondence. That he has dined with me and Mrs. Prinsep, and has been frequently at Mrs. Prinsep's evening parties in Paris; and that
20 I met him at a ball of the late King at the Palace of the Tuileries, and elsewhere, and that he invariably conducted himself in a manner becoming a gentleman of station and fortune, and that I never witnessed any excess or impropriety.

AFFIDAVIT of CHARLES FREDERICK HANCOCK.

I, CHARLES FREDERICK HANCOCK, of 39, Mornington Road, Regent's Park, and one of the partners of the house of Storr & Mortimer, of 156, New Bond-street, London, Goldsmiths and Silversmiths to Her Majesty the Queen, do make oath and say, that I first became acquainted with the said David Ochterlony Dyce Sombre in the year 1840, in my capacity of jeweller and silversmith, and that the first order of dealings between the said David Ochterlony Dyce Sombre and myself was an order for various wedding presents
30 previous to the marriage of the said David Ochterlony Dyce Sombre with the daughter of Viscount St. Vincent, and that I have heard and believe that a statute of lunacy was taken out against the said David Ochterlony Dyce Sombre, in the year 1843, which induced him to leave this country. And I further say that I again met the said David Ochterlony Dyce Sombre at St. Petersburg in the year 1845, at or about which period I had several fresh dealings and transactions with him connected with my business, in all of which I was unable to detect any act of his which could create in my mind the remotest suspicion of insanity or weakness of intellect of the said David Ochterlony Dyce Sombre. And

Affidavit of
Charles Fred.
Hancock.

Sworn
15 Dec. 1849.
Filed
1 Feb. 1849.

Affidavit of
Charles Fred.
Hancock.

I further say that the next meeting between him and me took place in August 1845, at Baden Baden, the circumstances of which more fully convinced me of the clearness of his intellect and capacity with respect to all business transactions, and having again seen him at Brussels at the end of that year. That my next interview with the said David Ochterlony Dyce Sombre was at Mivart's Hotel, in Brook-street, London, in November last, when he made several trifling purchases at our establishment, and also gave several further orders, which afforded me frequent and almost daily interviews with him up to the present time, during all of which I anxiously watched, and carefully observed, every act of the said David Ochterlony Dyce Sombre when in the act of accepting more important orders which the said David Ochterlony Dyce Sombre spoke of giving, and which I would not have 10 accepted or executed had I entertained the slightest grounds of suspicion of his unsoundness of mind or of his incapacity to conduct or manage himself or his pecuniary affairs with discretion and judgment. And I further say that I am the travelling partner of the house aforesaid, and in that capacity I have visited different countries in Europe, also Turkey and Egypt, in all of which I have had mercantile transactions with the people of those countries, and from my various opportunities of observing their manners and customs, I have never detected in the said David Ochterlony Dyce Sombre any peculiarities different from those of the inhabitants of the several countries referred to. And I lastly say that, judging from my entire knowledge of and acquaintance with the said David Ochterlony Dyce Sombre, in matters of business, I am firmly convinced that he is fully capable of 20 managing himself and his affairs.

AFFIDAVIT of DAVID REID, late Captain in the First Regiment of Bengal Cavalry.

Affidavit of
David Reid.
Sworn
20 Dec. 1848.
Filed
1 Feb. 1849.

I, DAVID REID, late a Captain in the First Regiment of the Bengal Cavalry, do make oath and say, that I have resided for many years in India, where I acted as interpreter to the said regiment, and that I have been acquainted for some time past with the said David Ochterlony Dyce Sombre, with whom I have been in constant communication from the 21st day of October last up to the present day. And I further say that I have daily passed several hours in the company of the said David Ochterlony Dyce Sombre, at times when he was entirely and altogether off his guard, during which he spoke to me freely and 30 unreservedly upon his pecuniary transactions, and also on his very painful position, concerning which he evinced a great degree of feeling and sensibility, as will appear by the following circumstance: for I say that having seen the said David Ochterlony Dyce Sombre shortly after he had read the medical report, in which it was stated that he was "quite unfit to be trusted with the management of his affairs," he, the said David Ochterlony Dyce Sombre, evinced a deep sense of disappointment at the nature of the report, but without any display of anger or passion, and observed, coolly and collectedly, that "it was now incumbent "on him not to allow himself to be carried away by his feelings, as what in others would

“not be considered insanity would be thought, or looked upon, as insanity in him.” And I further say that I have had various opportunities of witnessing the demeanor of the said David Ochterlony Dyce Sombre while he was investigating and examining lengthened accounts, in which calculation and memory were essential for the arrangement of the same, on all which occasions the said David Ochterlony Dyce Sombre displayed great perspicuity and mental control, as well as in other matters, as appeared by certain deductions made and mistakes detected by him in the settlement of the said accounts. And I further say that I have several times met the said David Ochterlony Dyce Sombre at dinner in society, and am enabled to bear testimony to his gentlemanly and correct conduct and demeanor,
 10 which has been in no way different from the behaviour of other gentlemen in the same class of society in which he moves. And I further say that from every conversation that I have had with the said David Ochterlony Dyce Sombre, I have invariably remarked his great retentiveness of memory, and particularly his accuracy in dates, and from these and other numerous circumstances I am fully convinced that the said David Ochterlony Dyce Sombre is perfectly able to manage himself and his pecuniary affairs.

Affidavit of
David Reid.

AFFIDAVIT of GEORGE AUGUSTUS HAMILTON CHICHESTER, Esq.

I, GEORGE AUGUSTUS HAMILTON CHICHESTER, Esquire, aged 26, son of Lord Edward Chichester, Dean of Raphoe, and nephew of the Marquis of Donegal, do make oath and say, that I met the above-named David Ochterlony Dyce Sombre at Naples in the year
 20 1839, and travelled in his company for a considerable time afterwards all over Italy, Malta, and Sicily, during which time I was almost in hourly conversation with him. And I say that since that period I have been in very frequent communication with the said David Ochterlony Dyce Sombre, and whenever he has been in London I have been on terms of perfect intimacy with him, dining, driving, and walking with him frequently, and constantly in his society; and during all such periods I have had numerous conversations with him on his pecuniary and family affairs, and likewise on general topics; and I have every reason to believe that I have seen him under every kind of circumstance, and have always found him in every way in full possession of his mental powers, with perfect self-control over all his actions. And I further say that I am fully satisfied that, comparing
 30 him with the generality of persons, he is possessed of a larger share of common sense and penetration than commonly falls to the lot of most other men. And I say, that at the various hotels, and other public places of resort, at which the said David Ochterlony Dyce Sombre resided during the periods above referred to, I have always found him most attentive to the hotel charges and attempts at extortion. And I further say, that I have also known the said David Ochterlony Dyce Sombre to perform many acts of charity, and before doing so he has requested me to make the necessary inquiries as to the worthiness of the object, and the proper employment of the money; and in all his pecuniary transactions, at the same time that I have found him in all respects liberal, I have likewise

Affidavit of
Geo. Augustus
Hamilton
Chichester,
Esq.

Sworn
3 Jan. 1849.
Filed
1 Feb. 1849.

Affidavit of
Geo. Augustus
Hamilton
Chichester,
Esq.

observed that he displayed much prudence and carefulness in all his expenditure. And I further say, that since the return of the said David Ochterlony Dyce Sombre to London in October last, I have been very frequently in his society at Mivart's Hotel, dining with him at different times, and seeing him under various circumstances, both alone and in the company of others; and I have made it my particular business to converse with him on all subjects, and more especially on those on which I have heard that the said David Ochterlony Dyce Sombre entertained peculiar opinions, and upon all such occasions I have invariably found him extremely clear and explicit, and manifesting in every respect great control over his actions and feelings. And I lastly say, that judging from the long and extensive knowledge which I have had of the said David Ochterlony Dyce Sombre, 10 I am thoroughly satisfied and convinced that he is in the full possession of a sound mind, and perfectly fit to have the entire management of his own affairs.

AFFIDAVIT of GEORGE AUGUSTUS HAMILTON CHICHESTER, Esq.

Affidavit of
Geo. Augustus
Hamilton
Chichester,
Esq.
Sworn
6 Feb. 1849.
Filed
7 Feb. 1849.

I, GEORGE AUGUSTUS HAMILTON CHICHESTER, Esq., son of Lord Edward Chichester, Dean of Raphoe, and nephew of the Marquis of Donegal, do make oath and say, that in or about the middle of November 1848, I was walking with the above-named David Ochterlony Dyce Sombre in Hyde Park when we met the Right Honourable Lord Ward, with whom I am acquainted, having known his Lordship several years, and repeatedly seen and conversed with him in general society, and upon various other occasions; that after having saluted the said Lord Ward and we had parted from him, I said to the said 20 David Ochterlony Dyce Sombre, "That gentleman whom I just now recognized is Lord Ward, with whom I thought you were acquainted," or words to that effect; to which the said David Ochterlony Dyce Sombre instantly replied, "Is that Lord Ward? He is not the person I met in the library at Rome and spoke to as Lord Ward, and I, therefore, must have been mistaken in imagining that person to have been Lord Ward; he certainly must have deceived me, and I am now satisfied that I did not meet Lord Ward himself, as I had supposed, at Rome," or words to that purport or effect. And I say that I then proceeded with the said David Ochterlony Dyce Sombre to Mivart's Hotel, and immediately on our arrival there he, the said David Ochterlony Dyce Sombre, called for the Peerage Book, and asked the waiter whether he had ever seen Lord Ward, upon which 30 the said waiter replied "Yes," and that he knew his Lordship's appearance very well; whereupon the said David Ochterlony Dyce Sombre questioned the waiter as to the age of the said Lord Ward, with the view, as I believe, of comparing it with the account given in the Peerage Book, to which he, the said David Ochterlony Dyce Sombre, then referred, and said he was firmly convinced that he had been imposed upon in Rome, and would have felt glad to have explained the matter to Lord Ward.

AFFIDAVIT of JAMES EDWARD MIVART.

Affidavit of
James Edw.
Mivart.Sworn
8 Jan. 1849.
Filed
1 Feb. 1849.

I, JAMES EDWARD MIVART, the proprietor of Mivart's Hotel, Brook-street, Grosvenor-square, in the county of Middlesex, make oath and say, that I knew the above named David Ochterlony Dyce Sombre several years, and that on the 18th day of October last, he came to reside at my hotel, and has remained there up to the present time. And I further say, that from what I had previously heard respecting the said David Ochterlony Dyce Sombre, I was induced to pay particular attention to his habits and demeanor, and that from such observation I am enabled to state that from the day of his arrival at my hotel, as before stated, his manners have been quiet, orderly, and gentlemanly, his address easy
10 and polite, and nothing whatever has occurred during his residence at my hotel to warrant me in entertaining the slightest suspicion of his being in any way incapable of managing his own affairs. And I further say, that with reference to matters of finance, the said David Ochterlony Dyce Sombre has always seemed to me to be unusually exact, strict, and observant, and in the settlement of his accounts with me he has always been minutely attentive to the various items of which they were composed, closely scrutinizing the amount, and with perfect accuracy; and I have had frequent conversations with him on different subjects, and on all occasions he has seemed to me to be clear and collected, expressing his opinions with freedom and candour, and in language indicating the educated man and the gentleman. And I further say that I have not on any of the occasions above referred to,
20 had any reason to remark in his looks or manner anything that would denote a wandering of mind, or aberration of any kind. And I further say that the said David Ochterlony Dyce Sombre, since his arrival at my hotel, has been very regular in his mode of living, and temperate in his habits. And I further say that my attention was especially drawn to the beforementioned facts relating to the habits of the said David Ochterlony Dyce Sombre, on account of the current rumours respecting him; and my observation from the arrival of the said David Ochterlony Dyce Sombre up to the present time has been such as to leave no doubt on my mind that the said David Ochterlony Dyce Sombre is perfectly competent to the control of his own actions, and possessed of a sound judgment in his own affairs, and in the ordinary business of life.

AFFIDAVIT of Sir CHARLES E. TREVELYAN, Assistant Secretary to
Her Majesty's Treasury.

Affidavit of
Sir Charles E.
Trevelyan.

Sworn
19 Feb. 1849.
Filed
19 Feb. 1849.

I, SIR CHARLES E. TREVELYAN, Assistant Secretary to Her Majesty's Treasury, make oath and say, that I have been well acquainted with the above named David Ochterlony Dyce Sombre from the year 1827, and from the various opportunities I have had of judging of his disposition and habits, having frequently associated with him in India, and met him at the residence of the late Begum Sombre, I consider it due to the above named David Ochterlony Dyce Sombre to state my firm belief and conviction that the said David Ochterlony Dyce Sombre never exhibited any symptom of insanity, nor did I ever hear that he committed any act betraying unsoundness of mind before his marriage. And 10 I further say and believe, that the painful circumstances which have since occurred are mainly to be attributed to the excitement caused by the remarkable contrast between his Asiatic habits of mind, and the new situation in which he was placed : I further say, that I signed a document to this effect, with the names of Lords Combermere, Downshire, Shrewsbury, and other gentlemen thereto attached, and addressed to the Lord Chancellor on the 20th day of January 1849. For a more detailed explanation of the view which I take of this case, I beg to refer to the draft copy of a letter or paper writing marked (L.), written on 30 sides of paper, produced and shown to me at the time of making this affidavit, and purporting to be a copy of a letter signed and addressed by me to J. C. Melvill, esq., the secretary of the East India Company, on the 19th of August 1843, except so 20 much as has been struck through at pages 24, 25, and 26, which is requested to be omitted as having no direct bearing on Dyce Sombre's case, while it involves third parties, after reading the report published in the newspapers of the proceedings before the Commission of Lunacy in the above case. And I say that I have now again read the copy of the said letter, and I still entirely hold to the statements and opinions expressed therein. I further say that I have reason to know that the said David Ochterlony Dyce Sombre had not proper legal advice in the arrangement of his marriage settlements, and that much of his subsequent irritation is to be attributed to his sense of the manner in which he was treated on that occasion. From my knowledge of the customs and habits of Indian society, I do not consider the said David Ochterlony Dyce Sombre's doubts and assertions as to Madam 30 Solaroli's legitimacy to be an indication of insanity ; and I say lastly, that I believe the said David Ochterlony Dyce Sombre to be perfectly competent to manage himself and his own affairs.

AFFIDAVIT of the Right Honourable General Viscount COMBERMERE.

I, THE Right Honourable General Viscount COMBERMERE, do make oath and say, that the above-named David Ochterlony Dyce Sombre never showed the least symptom of insanity before his marriage; that I have been acquainted with the said David Ochterlony Dyce Sombre for the space of 24 years and upwards; that he is like most natives of Hindostan, a very jealous disposition, and also (though naturally a goodnatured and quiet man) passionate when roused, and treated Mrs. Dyce Sombre in a manner quite un-English, though justifiable in Hindostan, when a woman is suspected of infidelity. And I say, that I am acquainted with Mrs. Dyce Sombre, who I always considered a person of unblemished
 10 character, but I have heard that her manner with men was such as might be likely to kindle unpleasant feelings in a breast less susceptible of jealousy than that of the said David Ochterlony Dyce Sombre, and I consider, under the peculiar circumstances of his case, that great allowances should be made for his feelings and conduct towards Mrs. Dyce Sombre. I further say, that I feel quite convinced that the said David Ochterlony Dyce Sombre is fully capable of managing himself and all his affairs with great caution and prudence.

Affidavit of
the Rt. Hon.
Gen. Viscount
Combermere.

Sworn
19 Feb. 1849.
Filed
21 Feb. 1849.

 AFFIDAVIT of the Right Honourable STAPLETON, Viscount COMBERMERE.

I, THE Right Honourable STAPLETON Viscount COMBERMERE, of Combermere Abbey, in the county of Chester, make oath and say, that having seen Mr. Bethell's very unjustifiable
 20 accusations against me in the "Morning Post" newspaper of Saturday, the 3d day of March 1849, I say that no motives have induced me to act in this business but a wish to befriend (as I had promised to do) the adopted son of the late Begum Sombre. From the first, and long before Sir Charles Trevelyan had taken the same view of the subject, I attributed Mr. Dyce Sombre's eccentricities to his Asiatic prejudices and habits. This view, as I have before stated, was the cause of my objections to his union with any European lady. When the marriage was finally settled and there was no means of preventing it (faithful to my promise to serve Mr. Dyce Sombre whenever it was in my power), I recommended my late solicitor, Mr. Frere, to draw up the marriage settlements. That when Mr. Dyce Sombre's jealous fits led to acts of violence very distressing to Mrs. Dyce Sombre, I of
 30 course advised restraint, if necessary. That when I made my former declaration, I understood that the allegation then against me was, that I wished to marry Colonel Dyce Sombre to one of my daughters; but I had never seen the affidavit containing the charge, and I consequently confined my denial to the charge as represented to me. And I now declare, that I never entertained an idea of his being married to any person directly or indirectly

Affidavit of
the Rt. Hon.
Stapleton,
Viscount
Combermere.

Sworn
8 Mar. 1849.
Filed
9 Mar. 1849.

Affidavit of
the Rt. Hon.
Stapleton,
Viscount
Combermere.

connected with me or my family, or desired any such union ; and if any relation or connexion of mine had been eccentric enough to wish for such a union, I should have opposed it most strenuously, from my firm conviction that a man accustomed to Asiatic habits and entertaining Asiatic prejudices is totally unfitted to secure the happiness of a European wife. Also observing by the before mentioned newspaper that Mr. Bethell asserts that I sent a letter privately to the Lord Chancellor, which some of Mr. Dyce Sombre's friends had signed, I declare that it never was my intention that this letter should not be made public ; and in this instance, as well as at all other times, I have endeavoured to act for my unfortunate friend, Mr. Sombre, with zeal and candour.

JOINT AFFIDAVIT of CHARLES SHRIMPTON, D. M., and DANIEL 10
JOSEPH MACCARTHY, M. D.

Joint Affidavit
of Charles
Shrimpton,
D. M.,
and Daniel
Joseph
MacCarthy,
M. D.
Sworn
at Paris,
13 July 1850.
Filed
19 July 1850.

WE, CHARLES SHRIMPTON, Doctor of Medicine, Knight of the Order of the Legion of Honor, &c., residing at Paris, No. 17, Rue d'Anjou ; Daniel Joseph MacCarthy, Doctor of Medicine, Physician to the British Embassy, residing at Paris, No. 14, Rue Castellane, make oath and say, that we have on various and recent occasions examined the said David Ochterlony Dyce Sombre for the purpose of ascertaining his mental condition ; that we have again met in consultation this day, the 13th of July 1850, for the same object, and that we see no reason to modify the opinion hitherto expressed by us on the subject, viz., that we consider Mr. David Ochterlony Dyce Sombre to be of sound mind, and perfectly capable of managing himself and his property.

20

AFFIDAVIT of Lord SUSSEX LENNOX.

Affidavit of
Lord Sussex
Lennox.
Sworn
at Paris,
13 July 1850.
Filed
19 July 1850.

I, SUSSEX LENNOX, do make oath and say, that I have for the last year and a half been in the habit of meeting Colonel Dyce Sombre almost daily, and that I have never seen anything in his manner to warrant the accusation of insanity. I have met Colonel Dyce Sombre both in society and at his own house, and have conversed with him on various topics, and I conceive him to be not only perfectly sane, but to possess a sound judgment.

On several occasions Colonel Dyce Sombre has conversed with me in a most rational and sensible manner on the hardship of his being deprived of the control and management of his property.

I moreover say, that I consider Colonel Dyce Sombre to be sane, and perfectly 30
capable of managing his property and affairs.

JOINT AFFIDAVIT of PHILIP RICORD, D. M., CHARLES SHRIMPTON,
D. M., and DANIEL MACCARTHY, M. D.

WE, PHILIP RICORD, of 6, Rue de Courman, Paris, Doctor of Medicine, Chief Surgeon of the Hospital du Midi, member of the National Academy of Medicine, Knight of the Orders of the Legion of Honour and of the Crown of Oak; Charles Shrimpton, of 17, Rue d'Anjou, Paris, Doctor of Medicine, Knight of the Order of the Legion of Honour; and Daniel MacCarthy, of 14, Rue Castellane, Paris, Doctor of Medicine, Physician to the British Embassy at Paris, make oath and say, that we have, at his request, visited Mr. David Ochterlony Dyce Sombre several times, together and separately, at his residence, Place Vendôme, Hotel du Rhin, for the purpose of inquiring into his present mental condition, and of ascertaining whether it has undergone any alteration since the date of our last affidavit, made in May 1850, jointly with Mr. Gunning and Professor Crosseau, of this city. Since that period we lost sight of Mr. Dyce Sombre during several months, which he employed in travelling upon the continent, but we saw him a very few days after his return to Paris, which took place on or about the 1st day of January 1851. Our conversations with Mr. David Ochterlony Dyce Sombre embraced many subjects, and were purposely conducted with a view to test his judgment and his memory; he was invariably rational and collected; his judgment appeared to us to be sound, and his memory is retentive of facts, places, names, and persons. We have all three, for some years, been in the habit of seeing Mr. Dyce Sombre professionally and otherwise, and we can safely assert that in that space of time we have observed no alteration for the worse in his language, manners, or appearance; we have, therefore, no reason to change the opinion expressed by us at the conclusion of the affidavit of May 1850, already referred to, namely, that Mr. Dyce Sombre is perfectly competent to manage his person and his property.

Joint Affidavit
of
Philip Ricord,
D. M.,
and others.
Sworn
at Paris,
1 Mar. 1851.
Filed
25 Mar. 1851.

AFFIDAVIT of DANIEL M'CARTHY, D. M.

I, DANIEL JOSEPH MACCARTHY, of No. 14, Rue Castellane, in the city of Paris, Doctor of Medicine, Physician to the British Embassy, make oath and say, that I have been the regular medical attendant of the above-named David Ochterlony Dyce Sombre during the past three years, and that since his return to Paris on the 1st day of January last, after an absence of some months, I have frequently seen him professionally and otherwise, up to the present time. And I further say that I have attended him during the months of January and February of the present year for a complaint from which he suffered considerably during the preceding winter, namely, ulcerations of the feet caused by the

Affidavit of
Dan. Joseph
MacCarthy,
D. M.
Sworn
at Paris,
20 Mar. 1851.
Filed
25 Mar. 1851.

Affidavit of
Dan. Joseph
MacCarthy,
D. M.

state of his constitution and the effect of cold weather. And I further say that these ulcerations did not arise from burns, but from the causes above mentioned. And lastly I say that I have never heard the said David Ochterlony Dyce Sombre talk incoherently, but, on the contrary, I have always heard him express himself with every coherency and exactness.

AFFIDAVIT of ADAM, Prince CZARTORYSKI.

Affidavit of
Adam, Prince
Czartoryski.

Sworn
at Paris,
21 Mar. 1851.
Filed
25 Mar. 1851.

I, ADAM, PRINCE CZARTORYSKI, late President of the National Government of Poland, at present residing at the Hôtel Lambert, No. 2, Rue St. Louis en l'Ile, in the city of Paris, make oath and say, that I became acquainted with the above named David Ochterlony Dyce Sombre in Paris, about two years ago, and that he has, during that period up the 10 present time, occasionally visited me at my Hotel, when I have had opportunities of seeing him, and observing his demeanor. And I say, that the said David Ochterlony Dyce Sombre has, on such occasions, always conducted himself with every propriety, and has never given any indication that his mind was deranged.

AFFIDAVIT of ADOLPHE TABASZ, Comte KROSNOWSKI.

Affidavit of
Adolphe
Tabasz,
Comte
Krosnowski.

Sworn
at Paris,
21 Mar. 1851.
Filed
25 Mar. 1851.

I, ADOLPHE TABASZ COMTE KROSNOWSKI, at present residing at No. 44, Rue Basse du Rempart, in the city of Paris, late Lieutenant-Colonel in the service of the National Government of Poland, and an Officer of the Order of the Croix Militaire of Poland and a Knight of Malta, make oath and say, that I have been acquainted with the above named David Ochterlony Dyce Sombre for a period of eight years or thereabouts. And I say, that 20 within the last two years I have especially observed great moderation in the actions and habits of the said David Ochterlony Dyce Sombre in all respects. And I further say, that I have met the said David Ochterlony Dyce Sombre at the houses of mutual friends, and he has also visited me at my residence, and that I never observed him to commit the slightest excess; but on the contrary, that he always conducted himself most properly, and according to the manners of a gentleman. And I lastly say, that having had ample opportunity of forming an opinion, I consider that the said David Ochterlony Dyce Sombre is at the present time in a perfectly sound state of mind, and fully competent to take care of his property, and to manage his affairs.

AFFIDAVIT of JOSEPH BARON PALM.

I, JOSEPH BARON PALM, of No. 8, Rue de la Chaussée d'Antin, in the city of Paris, make oath and say, that I have known the above-named David Ochterlony Dyce Sombre for the last ten years and upwards, and been on terms of considerable intimacy with him. And I further say, that I first knew him in the year 1840, having met him at Long's Hotel, in London, when I recollect I observed the great irritability and violence of his temper. And I further say, that in the year 1845 I resided with the said David Ochterlony Dyce Sombre at Baden, when we lived at the same hotel, and occupied adjoining rooms. And I further say, that the said David Ochterlony Dyce Sombre used at that
 10 time to complain to me that he was in great pecuniary difficulties, and that he sometimes spoke to me of his Wife, but never expressing the least hatred towards her. And I further say, that in my opinion the various distressing circumstances and annoyances which he then laboured under induced his drinking a great deal at that time. And I further say, that I was present when the affair between the said David Ochterlony Dyce Sombre and General Ventura took place at Baden, and was witness that the latter provoked the quarrel. And I further say, that I have since met the said David Ochterlony Dyce Sombre in Germany, Italy, and France. And I further say, that since the return of the said David Ochterlony Dyce Sombre to Paris on the 1st day of January last, I have been on very intimate terms with him, visited him almost daily, and at all hours. And I further
 20 say, that on seeing the said David Ochterlony Dyce Sombre after his return to Paris on the 1st of January last, I have observed that a considerable change has taken place in him, and that his views are much more in accordance with European usages and customs, and that he no longer shows the extreme irritability and violence of temper which he formerly displayed; and I have also observed that the said David Ochterlony Dyce Sombre has become particularly temperate and sober in his habits since I had previously met him. And I further say, that since the return of the said David Ochterlony Dyce Sombre to Paris on the 1st of January last, I have never seen him drink, except very moderately; and that frequently dining with the said David Ochterlony Dyce Sombre at the restaurant of the "Trois Frères Provençaux," I have observed that at dinner he
 30 never takes more than half a bottle, or at most a bottle, of claret, and occasionally a glass or two of champagne. And I further say, that as instancing the correctness of the said David Ochterlony Dyce Sombre in matters of account, and, at the same time, his command of temper, when I was dining with the said David Ochterlony Dyce Sombre at the said restaurant, the bill for his dinner was brought to him, and after he had cast it up, he pointed out to the waiter that it was incorrectly added up, and that the total was made sixty centimes more than should have been, and desired the waiter to get it put right; and the waiter having taken it away and kept us waiting about ten minutes, brought it back and protested it was correct; and the said David Ochterlony Dyce Sombre then again

Affidavit of
 Joseph Baron
 Palm.
 Sworn
 at Paris,
 22 Mar. 1851.
 Filed
 25 Mar. 1851.

Affidavit of
Joseph Baron
Palm.

looked over it, and insisted upon the mistake, and the waiter then took it away, and returned with it, still saying that there was no mistake; and that the said David Ochterlony Dyce Sombre reckoned it up with the waiter, and pointed out to him the error, and at last the person sitting at the counter corrected it. And I say that the error actually existed as stated by the said David Ochterlony Dyce Sombre. And I say, that notwithstanding the said David Ochterlony Dyce Sombre was kept waiting nearly half an hour by this circumstance, he did not exhibit the least violence of temper, but quietly persisted in having the correction duly made. And I further say, that being in the habit of visiting the said David Ochterlony Dyce Sombre almost daily, and at all hours, I have had the fullest means of becoming acquainted with his private habits; and I say that I never saw him 10 practise any that were not perfectly proper and becoming a gentleman; and that in his attire he is remarkably cleanly. And I further say, that I consider that all the sayings and actions of the said David Ochterlony Dyce Sombre at the present time are those of a perfectly sane man, and that I consider him to be of perfectly sound mind, and in every way competent to protect his own interests, and to manage his own affairs. And lastly I say, that I was present on the 20th day of March instant, when Madam Sophie de Greffeuil Norrot called on the said David Ochterlony Dyce Sombre, and in the course of the interview which then took place, I heard her state that she had been promised to be remunerated for having made the affidavit sworn by her on the 11th day of October last.

AFFIDAVIT of LOUIS EDMOND DAGA.

29

Affidavit of
Louis Edmond
Daga.
Sworn
at Paris,
21 Mar. 1851.
Filed
25 Mar. 1851.

I, LOUIS EDMOND DAGA, of No. 50, Rue Neuve des Mathurins, in the city of Paris, Glass Coach Proprietor, make oath and say, that I let out a carriage to the above named David Ochterlony Dyce Sombre, on hire by the month, from the 20th day of February 1849, to the 26th day of August 1849; and from the 15th day of November 1849 to the 31st day of July 1850; and have in like manner let out to the said David Ochterlony Dyce Sombre a carriage on hire from the 4th day of January last to the present time. And I say that the said David Ochterlony Dyce Sombre was during the periods above mentioned, and is now in the habit of using daily the carriage so let out to him as aforesaid; and that to the best of my knowledge and belief he was not during the periods above mentioned, nor is he now, in the habit of hiring any other carriage than as aforesaid. And I say that the coachmen by 30 whom the said David Ochterlony Dyce Sombre was driven during the periods above mentioned were in my service, and that none of them ever complained to me that the said David Ochterlony Dyce Sombre used to tell them first to drive to one place, and then, so soon as they had got where he had directed them to go, declared that they had driven him wrong, and had ordered them to go back again or to go somewhere else, and that they had often driven him about from place to place without knowing where he really wanted to go;

nor did they ever tell me that he had been very angry and swore at them a great deal, or threatened to strike them, nor did any of them ever tell me that he had turned the said David Ochterlony Dyce Sombre out of the carriage. And I say that the "Pour Boire" which was given by the said David Ochterlony Dyce Sombre to the coachman was always paid to them through me; and that the said David Ochterlony Dyce Sombre never on any occasion withheld the same, as is frequently done when the coachman behaves improperly, and as I have no doubt the said David Ochterlony Dyce Sombre would have done, had he considered the coachmen had not conducted themselves to his satisfaction by acting in the manner above referred to. And lastly I say, that the said David Ochterlony Dyce Sombre
 10 always personally pays his account to me, and that he examines with every minuteness, taking especial care that he pays no more than is customary, and that if there is the slightest inaccuracy in the account he requires to have it rectified, as upon one occasion I recollect occurred, through my having charged him inadvertently for a carriage with two horses during one day, when in fact he had had a carriage with one horse only.

AFFIDAVIT of Lord SUSSEX LENNOX.

I, the Honourable SUSSEX LENNOX, commonly called Lord Sussex Lennox, of Goodwood, Sussex, in England, at present residing in the city of Naples, make oath and say, that I never at any time whatsoever, either at the residence of the above-named David Ochterlony Dyce Sombre, or at the residence or house of any other person or persons, or
 20 at any place whatsoever, played at cards or at any other game with him, the said David Ochterlony Dyce Sombre, either for money or otherwise, and that I have never won from him, the said David Ochterlony Dyce Sombre, any sum or sums of money whatsoever, either by play, at cards or otherwise, or by betting with him in any manner howsoever. And I further say, that I did not accompany the said David Ochterlony Dyce Sombre to Versailles, in the month of May or June last, nor did I meet him there in the month of May or June last, and that I never at any other time whatever, either accompanied the said David Ochterlony Dyce Sombre to Versailles, or met him there. And I further say, that I have never been or remained in the residence of him, the said David Ochterlony Dyce Sombre, after the hour of seven o'clock in the evening. And I further say that I was present when Madame Sophie de Greffeuille Norrot called one day upon the said David Ochterlony Dyce Sombre, and demanded payment from him for damage which she alleged to have been done or caused by him to her furniture, and that the said David Ochterlony Dyce Sombre was very indignant and angry at such demand, which he considered to be unjust, and which he refused to pay. And I say that no occasion arose for my protecting the said Madame Sophie de Greffeuille Norrot from the violence of him, the said David Ochterlony Dyce Sombre, he not having spoken or behaved to her, the said Madame
 30

Affidavit of
Lord Sussex
Lennox.

Sworn
at Naples,
15 April 1851.
Filed
3 May 1851.

Affidavit of
Lord Sussex
Lennox.

Sophie de Greffeuille Norrot, with any violence whatsoever, but that the behaviour of the said Madame Sophie de Greffeuille Norrot towards the said David Ochterlony Dyce Sombre was unbecoming, irritating and insulting, and that the said David Ochterlony Dyce Sombre in consequence desired her to leave the room. And I further say, that I have no knowledge whatever of Madame Maria Louise Townrow, nor of the Honourable James Buller; and that I never, to the best of my recollection, met the former at the residence of the said David Ochterlony Dyce Sombre, and that in my opinion the said David Ochterlony Dyce Sombre is incapable of using the language, with reference to myself, attributed to him by the said Madame Maria Louise Townrow. And I further say, that I have never seen the said David Ochterlony Dyce Sombre use any violence to his servants, nor even heard him 10 apply harsh language to them. And I lastly say, that I have never seen the said David Ochterlony Dyce Sombre intoxicated; and that I believe the accusation against him of drinking to excess to be utterly false.

I N D E X.

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BEHIER, JULES LOUIS, M. D. ; 14th July 1846 :	
That Mr. D. O. Dyce Sombre was in perfect possession of his mental faculties, and capable of managing his property - - - - -	24
BERTIN, ETIENNE LUC, M. D. ; 5th January 1844 :	
That Mr. D. O. Dyce Sombre was of perfectly sound mind, and competent to have the entire management of himself and his affairs - - - - -	1
BLACKWOOD, PINKSTON, M. D., Brussels ; 22d January 1846 :	
Examined Mr. Dyce Sombre in company with Dr. Soutin on several days, questioning him on a great many subjects, more particularly such as had been suggested by Sir James Clark to Sir Robert Chermiside at Paris, to all of which he gave the most satisfactory and consistent replies, and his whole demeanour was such as to leave not a shadow of doubt of his perfect sanity and capability to manage his own affairs - -	13
BOURDOIT, DENISE ; 23d June 1848 :	
Resided in her apartment for a month ; debated about terms ; showed himself in money matters by no means prodigal, and well able to protect his pecuniary interests, and believes him to be in the full enjoyment of his intellectual faculties - - - -	30
BROWNE, EDWARD, Librarian, Brussels ; 22d January 1846 :	
Has transacted several matters with Mr. D. O. Dyce Sombre, and is of opinion that he is of perfectly sound mind and good understanding, and capable of managing his own affairs - - - - -	18
CARTHY, DANIEL MAC ; 17th June 1848. Joint Affidavit with Dr. Thomas Davidson and Dr. Charles Shrimpton :	
They refer to Drs. Bright & Southey's Report of 5 August 1847, and state reasons for disagreeing with its conclusions. That it has been no more in their power than in Drs. Bright and Southey to detect any positive delusion - - - - -	28
CARTHY, DANIEL MAC ; 19 July 1850. Joint Affidavit with Dr. Shrimpton :	
Still consider Mr. Dyce Sombre to be of sound mind, and perfectly capable of managing himself and his property - - - - -	46

CARTHY, DANIEL MAC; March 1851. Joint Affidavit with Dr. Shrimpton and Dr. Philip Ricord: PAGE.

That they had visited Mr. Dyce Sombre several times together and separately; that he was invariably rational and collected, judgment sound and memory retentive, and observed no alteration for the worse in his language, manners or appearance, and therefore no reason to change their former opinion - - - - - 47

CARTHY, DANIEL MAC; 25 March 1851;

Attended Mr. Dyce Sombre in January and February last to cure ulcerations of the feet, which did not arise from burns, but from the state of his constitution - - - 47

CHERMSIDE, Dr. R. A. Joint Affidavit with Dr. Behier, Dr. Olliffe and Dr. MacCarthy; 10th July 1847:

Examined Mr. Dyce Sombre two days on a variety of points, suggested by Drs. Southey and Bright's Report of 26th September 1846, and in conclusion consider Mr. Dyce Sombre of sound mind, and perfectly competent to manage his affairs - - - 25

CHERMSIDE, Sir R. A. Joint Affidavit with J. F. Olliffe, M. D., and Dr. MacCarthy:

That Mr. D. O. Dyce Sombre was in the enjoyment of a sound state of mind, and perfectly competent to manage his affairs - - - - - 26

CHICHESTER, GEORGE AUGUSTUS, Esq.; 1st February 1849:

Has known Mr. D. O. Dyce Sombre since 1839; travelled with him and been a great deal in his society, and is thoroughly convinced that he is in full possession of a sound mind, and fit to have the management of his affairs - - - - - 41

CHICHESTER, GEORGE AUGUSTUS, Esq.; 7th February 1849:

Explains Mr. Dyce Sombre's mistake as to Lord Ward - - - - - 42

COMBERMERE, Lord Viscount; 18th April 1844:

Has known Mr. D. O. Dyce Sombre for 19 years. He is by birth three-fourths an Asiatic; educated like other Asiatics, and entirely according to Asiatic customs. As to his marriage with Miss Jervis, Lord St. Vincent's daughter, not likely to prove happy. Disagreements investigated by friends. Conceives that Mr. D. O. Dyce Sombre ought not to be treated as a person of unsound mind - - - - - 7

COMBERMERE, Lord Viscount; 23d January 1846:

Frequently saw and conversed with Mr. D. O. Dyce Sombre at Kissingen, in Germany, where he displayed great accuracy and acuteness, and appeared to be in a perfectly sane state, and capable of conducting his affairs prudently and satisfactorily - - - 18

COMBERMERE, Lord Viscount; 21st February 1849:

That said D. O. Dyce Sombre never showed the least symptom of insanity before marriage. Has known him for 24 years. Like most natives of Hindostan, a very jealous disposition, and, though naturally good-natured and quiet, passionate when roused. That great allowances should be made for his feelings and conduct towards Mrs. Dyce Sombre. Quite convinced that said Dyce Sombre is fully capable of managing himself and his affairs - - - - - 45

COMBERMERE, Lord Viscount; 9th March 1849:

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Attributes Mr. Dyce Sombre's eccentricities to Asiatic prejudices and habits. Would have strenuously opposed a union between said Dyce Sombre and a connexion of his own, from a firm conviction that a man accustomed to Asiatic habits and prejudices was totally unfitted to secure the happiness of a European wife - - - - 45

COPLAND, JAMES, M. D.; 22d September 1846:

Examined Mr. D. O. Dyce Sombre at Dover, particularly as to his marriage; his opinion as to the conduct of his wife; his imagining himself to be under the influence of good and evil spirits; his differences with the East India Company; his attending to his own affairs; to his expenses and accounts, and the rates of exchange between this country and France. That he always answered rationally and satisfactorily. Convinced that said D. O. Dyce Sombre was of sound mind, and fully capable of the management of himself and his affairs - - - - 11

COPLAND, JAMES, M. D.; 1st February 1849:

Had six private interviews with said D. O. Dyce Sombre, and four consultations with Drs. Paris, Mayo, Sir Alexander Morrison, Ferguson, and Costello, and having carefully read all the reports of Drs. Bright and Southey, &c., impressed with a firm conviction that Mr. D. O. Dyce Sombre is sound in mind, and quite competent to manage his person and property - - - - 36

COSTELLO, WILLIAM, B., M. D.; 1st February 1849:

Had eight successive interviews with Mr. D. O. Dyce Sombre, *i. e.*, three apart from Dr. Paris, Dr. Mayo, Sir Alexander Morrison, M. D., Dr. Copland, and Dr. Ferguson, and five others conjointly with them. Has read Drs. Bright and Southey's Reports, &c.; unable to detect any kind of delusion, hallucination, or mental aberration whatsoever. Entire belief and conviction that said D. O. Dyce Sombre is quite sane of mind, and fully competent to the management of himself and his affairs - - - 35

CZARTORYSKI, A., Prince; March 1851:

Has known Mr. Dyce Sombre about two years, who has always conducted himself with every propriety, and never given any indication that his mind was deranged - - 48

DAGA, L. E., Coachmaker; 25th March 1851:

Mr. D. O. Dyce Sombre's correct conduct towards coachmen, &c.; always personally settles all accounts, and detects the slightest inaccuracy therein - - - 50

FABRET, JEAN PIERRE, M. D., Paris; 9th January 1844:

Visited and examined Mr. D. O. Dyce Sombre with Drs. Bertin, Verity, and Olliffe. In the full enjoyment of his intellectual faculties, and fully capable of managing himself and his affairs - - - - 4

FARR, The Reverend THOMAS; 20th January 1844:

First knew Mr. D. O. Dyce Sombre in 1839; his feelings, in regard to females, Asiatic to an extraordinary degree. As to his marriage with Miss Jervis. That the intellect, manner, conduct, and ideas of said D. O. Dyce Sombre were entirely Asiatic - - 5

FERGUSON, ROBERT, M. D.; 1st February 1849:

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Had four lengthened interviews with Mr. D. O. Dyce Sombre in private, and four consultations with Drs. Paris, Mayo, Alexander Morrison, Copland, and Costello. Has read sundry reports and documents alleging proofs or presumptions of insanity. Swears that he believes said Dyce Sombre to be quite competent to manage his affairs - - - - - 33

GROVE, Lieutenant-colonel HENRY; 9th March 1846:

Met Mr. Dyce Sombre at Baden in October last almost daily, for three weeks, at a public table d'hôte, and frequently conversed and has since had a friendly correspondence with him, and believes that he possesses a gentlemanly mind, much good sense, and a perfect understanding, and is fully capable of managing his own affairs - - 22

GREFENILLE, J. SOPHIE DE; 13th July 1847:

That said D. O. Dyce Sombre resided at her hotel at various times in 1846 and 1847. Examined and settled his bills every fortnight; by no means prodigal; quite able to protect his pecuniary interests and conduct his own affairs. Never perceived any sign of mental aberration - - - - - 27

HANCOCK, CHARLES FREDERICK, Gold and Silversmith; 1st February 1849:

Had dealings as jeweller and silversmith with said D. O. Dyce Sombre in 1840 for wedding presents previous to his marriage, and in 1845 at St. Petersburg, and in November last at Mivart's Hotel, Brook-street. Would not have accepted or executed orders had he entertained the slightest grounds of suspicion of unsoundness of mind or incapacity to conduct or manage himself or his pecuniary affairs with discretion and judgment, and is firmly convinced that he is fully capable of managing himself and his affairs - - - - - 39

KASTENBEIN, AUGUSTE:

Served as valet de chambre. All orders given by Mr. D. O. Dyce Sombre perfectly reasonable, and firmly believes his mind is sound - - - - - 31

KROSNOWSKI, Count TABAZ; 9th July 1847:

Known Mr. Dyce Sombre for four years; habitually with him at Lady Clavering's house, at soirees of the Countess Krosnowski; of opinion that he is a man of sane judgment, with the full use of his intellectual faculties - - - - - 27

KROSNOWSKI, Count TABAZ; 17th June 1848:

Has known said D. O. Dyce Sombre for eight years; never observed him to commit the slightest excess, but always conducted himself most properly and according to the manners of a gentleman, and believes him to be of perfectly sound mind, and fully competent to the care of his property and affairs - - - - - 29

LENNOX, Lord SUSSEX; 19th July 1850:

Considers Mr. Dyce Sombre to be sane, and perfectly capable of managing himself and his affairs - - - - - 46

LENNOX, Lord SUSSEX; 3d May 1851 :

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That he never played at cards or any other game with Mr. D. O. Dyce Sombre, nor won from him any sum whatever. Never met him at Versailles; never saw Mr. D. O. Dyce Sombre intoxicated, and believes the accusation against him of drinking to excess to be false - - - - - 31

MAYO, THOMAS, M. D.; 1st February 1849 :

Had seven interviews with said D. O. Dyce Sombre, and four consultations with colleagues, and having read the reports of Drs. Bright and Southey of September 1846, August 1847, and November 1848, and the shorthand writer's notes of the three days' examination, it is his belief and conviction that the actions and remarks of D. O. Dyce Sombre, on which the allegations against Mr. Dyce Sombre are founded, would, even if substantiated, tend to the proof, not of insanity, but only of immoral habits and an ill-regulated mind. That the allegations are not substantiated; has found no evidence of the existence of any such delusive opinion as would imply an unsound mind, and is impressed with a firm conviction that he is sound in mind, and competent to manage his person and property - - - - - 33

MIVART, JAMES EDWARD, Hotel Proprietor; 1st February 1849 :

Known D. O. Dyce Sombre several years, who resided at the hotel; his manners always quiet, orderly, and gentlemanly; exact in the settlement of all accounts, and perfectly competent to the control of his actions, and possessed of sound judgment - 43

MONTUCCI, HENRY, Doctor of Sciences, Paris; 17th June 1848 :

Gave lessons to Mr. D. O. Dyce Sombre in geometry and algebra of an hour each; made as much progress therein as an adult could be expected to make; never detected any weakness of intellect, and considers him to be of perfectly sound mind - - 30

MORRISON, ALEXANDER, M. D.; 1st February 1849 :

This Affidavit is very similar to Dr. Mayo's, of same date; arriving at the same conclusions, viz., that Mr. Dyce Sombre is sound in mind, and competent to manage his person and property - - - - - 34

OLLIFFE, JOSEPH FRANCIS, M. D., Paris; 4 January 1844 :

Three times visited and examined said D. O. Dyce Sombre in company with Dr. Bertin, Dr. Verity, Dr. Voisin, Dr. Fabret and Dr. Ferrus, and fully convinced that said D. O. Dyce Sombre is in the full enjoyment of his intellectual faculties, and fully competent to the control of himself and property - - - - - 3

OLLIFFE, JOSEPH FRANCIS, M. D., Paris; 14 July 1846 :

Has known said D. O. Dyce Sombre for three years, and had many opportunities of observing his character and conduct, and frequent conversations with him, and that he has always displayed the full and perfect powers of an active and thinking mind—a sound judgment, and a perfect aptitude for business of every description - 23

PALM, JOSEPH BARON ; 25 March 1851 :

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Has known said D. O. Dyce Sombre for ten years and upwards ; was present at the affair between said D. O. Dyce Sombre and General Ventura at Baden ; that the latter provoked the quarrel ; the said D. O. Dyce Sombre's views are much more in accordance with European usages and customs than formerly, and no longer shews the extreme irritability and violence of temper which he formerly displayed ; states a remarkable instance of correctness by D. O. Dyce Sombre in the settlement of a dinner account. That his habits are perfectly gentlemanly, and considers him to be of perfectly sound mind, and competent to manage his affairs - - - - -

49

PARIS, JOHN AYRTON, M. D. ; 1st February 1849 :

Read shorthand writer's notes of examination of said D. O. Dyce Sombre by Drs. Bright, Southey, Sir James Clark, and Mr. Martin, and their several reports to the Lord Chancellor. Compelled, by a sense of justice, solemnly to state his belief, founded on several interviews with, and examinations of, said D. O. Dyce Sombre, and after five consultations with Dr. Mayo, Dr. Morrison, Dr. Copland, Dr. Ferguson, and Dr. Costello, that he is unable to detect the existence of any insane delusion whatever. His firm belief is, that said D. O. Dyce Sombre is perfectly sane, and fully capable to conduct himself and his pecuniary affairs, and ought to be restored to his property and liberty - - - - -

32

PETERSBURGH, ST., MEDICAL COUNCIL, REPORT OF ; 24 January 1846 :

That the inquisitors used all their power to discover the least sign of derangement ; that the most trying questions, on examination, were put to Mr. D. O. Dyce Sombre, which he answered clearly, solidly, and accurately, and was therefore acknowledged to be in perfect state of mind, and not deranged - - - - -

19

PRINCEP, THOBY, ESQ. ; 15 July 1846 :

Knew Mr. D. O. Dyce Sombre in 1830 ; intercourse with him since 1843 confined to casual meetings ; allowance of 60 l. per week made to Mr. Dyce Sombre, through application to the Lord Chancellor ; correspondence with Mr. D. O. Dyce Sombre continued for two years ; his letters evince complete capability for the management even of difficult affairs, and believes said D. O. Dyce Sombre to be of perfectly sound mind, and fully capable of managing his own affairs - - - - -

15

PRINCEP, THOBY, ESQ. ; 1 February 1849 :

As to the customs observed in the harem of the old Begum Souras respecting children of slave girls or concubines ; that Madame Solaroli, if such a child, would have been treated as a sister of the legitimate children. Mr. D. O. Dyce Sombre convinced of his error in supposing that Mr. Prinsep was present when Mr. Glynn and others made a statement of particulars respecting Madame Solaroli before the Lord Chancellor, as to Lord Medcalfe's opinion on the subject of Madame Solaroli's legitimacy or illegitimacy, who could not speak positively on it. That Mr. D. O. Dyce Sombre had dined with Mr. and Mrs. Prinsep, and been at Mrs. Prinsep's evening parties, and had met him at a ball of the late king at the palace of the Tuilleries ; that he invariably conducted himself in a manner becoming a gentleman of station and fortune, and never witnessed any excess or impropriety - - - - -

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PRESCOTT, ALFRED GEORGE, Lieutenant; 22d January 1846 :

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Particularly intimate with said D. O. Dyce Sombre in May and June last; present when Mr. Dyce Sombre was questioned respecting alleged delusions as to his jealousy of the Duke of Wellington and Mr. Montgomery towards his wife, which Mr. Dyce Sombre admitted to be an erroneous impression. That Mr. Dyce Sombre, in the course of conversation, evinced strong reasoning faculties; convinced that said D. O. Dyce Sombre is in full possession of his reasoning faculties, and enabled to manage his own affairs - - - - - 17

REID, CAPTAIN DAVID; 1st February 1849 :

Had various opportunities of witnessing the demeanour of said D. O. Dyce Sombre when investigating lengthened accounts, when he displayed great perspicuity in detecting mistakes therein; his conduct and demeanour gentlemanly and correct; great retentiveness of memory, and particularly accurate in dates, and is fully convinced that he is able to manage himself and his affairs - - - - - 40

RICORD, PHILIP, M. D. Joint with Charles Shrimpton, M. D., and Daniel MacCarthy, M. D.; 25 March 1851 :

Visited Mr. Dyce Sombre several times together and separately; have no reason to change their former opinion, viz., that he is perfectly competent to manage his person and property - - - - - 47

SHRIMPTON, CHARLES, M. D. Joint Affidavit with Daniel MacCarthy, M. D.; 19th July 1850 :

Again examined said D. O. Dyce Sombre, and considers him to be of sound mind, and perfectly capable of managing himself and his property - - - - - 46

TREVELYAN, Sir CHARLES E.; 19th February 1849 :

Well acquainted with Mr. D. O. Dyce Sombre since 1827, who never exhibited any symptom of insanity before his marriage; that the painful circumstances which have since occurred are mainly to be attributed to the excitement caused by the remarkable contrast between his Asiatic habits and his new situation. That he had not proper legal advice in the arrangement of his marriage settlements, to a sense of which much of his subsequent irritation is to be attributed. Does not consider Mr. Dyce Sombre's doubts and assertions as to Madame Solaroli's legitimacy to be an indication of insanity, and believes him to be perfectly competent to manage himself and his affairs - - - 44

VERITY, ROBERT, M. D.; Paris, 4 January 1844 :

Had a most rigid and close examination of Mr. D. O. Dyce Sombre three times with Dr. Bertin, Dr. Olliffe and Dr. Voisin, and that Drs. Fabret and Ferrus assisted on those occasions, and is fully convinced that said D. O. Dyce Sombre is in the full enjoyment of his intellectual faculties, and fully competent to the government and control of himself and his property - - - - - 2

VOISIN, FELIX, M. D. ; Paris, 6th January 1844 :

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Visited and examined Mr. D. O. Dyce Sombre three times with Drs. Bertin, Olliffe and
Verity, and fully convinced that said D. O. Dyce Sombre was in the entire enjoy-
ment of his intellectual faculties, and fully capable of managing his person and pro-
perty - - - - - 4

THE WILL AND CODICIL

OF

DAVID OCHTERLONY DYCE SOMBRE, ESQ.

I, David Ochterlony Dyce Sombre, late of Sirdhana in the East Indies, but now residing at Paris in the Kingdom of France, do hereby revoke all former Wills and testamentary dispositions by me at any time heretofore made, and declare this to be my last Will and Testament :—Whereas under and by virtue of divers deeds or instruments in writing, executed by the late Begum Sombre, certain large sums of money were directed to be set apart and applied for the religious and charitable purposes specified in such deeds or instruments, that is to say, the sum of Company's rupees one hundred thousand, for the benefit of the Roman Catholic Church of Sirdhana ; the sum of Company's rupees one hundred thousand, for the benefit of the Roman Catholic College of Sirdhana ; the sum of Company's rupees fifty thousand, for the benefit of the poor of Sirdhana ; the sum of Company's rupees twelve thousand five hundred, for the benefit of the Roman Catholic Chapel at Meerut. And

whereas, I am by such deeds or instruments appointed a trustee for the charitable purposes therein particularly mentioned, in conjunction with the Magistrate for the time being at Meerut, and I am desirous of appointing a successor to myself in the trusts aforesaid. Now, therefore, I the said David Ochterlony Dyce Sombre, by virtue of all powers contained in such several deeds or instruments hereinbefore referred to, and of all other powers enabling me in this behalf, do by this my last Will, executed in the presence of and attested by the two credible witnesses whose names are intended to be hereunto subscribed, appoint and declare that the Bishop or Senior Roman Catholic Priest for the time being of the said Roman Catholic Church at Sirdhana shall be a trustee in my room of the several deeds and instruments, and for the several charitable purposes aforesaid, with all the rights, powers, and privileges belonging to and exerciseable by me in my lifetime, or such thereof as are now capable of taking effect. And I direct my Executors, hereinafter named, to concur in all proper and necessary acts, if any, for vesting the trust premises aforesaid in such new trustee, either solely, or jointly with any other continuing trustee, as the case may be. I direct that my body shall after my decease be conveyed to Sirdhana in the East Indies, the late Capital of the Dominions of Her late Highness the Begum Sombre, and after my heart has first been taken out of my body, I direct that my body shall be buried in the corner of the Christian Burying Ground at Sirdhana, facing the South East, and that there shall be placed over it a Bronze Cross, having a death's head engraved thereon, which Cross I direct my Executors to procure, if possible, at the Great Iron Foundry at Berlin, situated outside of the Oramienburg Gate, and called the Eissengiesserie; but if not, then I direct them to procure a similar monument at some other place. And I further direct that my heart, after having been taken out of my body as before mentioned, shall be embalmed and enclosed in a Silver Case, having an appropriate inscription thereon, and that such Silver Case containing my heart shall then be buried, separately from my body, in the room next adjoining and leading into the Sepulchre of

Her late Highness the Begum, in the Church of Sirdhana aforesaid, and that a Tablet shall then be placed over both my body and heart, with inscriptions engraved thereon, recording my death and the circumstances attending my burial; and in case from any cause, unforeseen by me, it shall be impossible strictly and literally to carry these my directions into execution, I direct that my Executors shall carry them out as far as shall be practicable, it being however my wish and desire that no variation whatever shall be made by them, unless absolutely necessary. And I direct that my Executors shall, unless the same shall have been done by me in my lifetime, also superintend and provide for the erection in the said Church at Sirdhana of the Monument to the memory of the late Begum Sombre, which is now being sculptured by the artist Tadolini at Rome, my said Executors paying all costs of its transmission to its ultimate destination, and also paying to the aforesaid Artist the residue, if any, remaining unpaid to him at the time of my decease, of the original price agreed on by me, which residue now amounts to the sum of twenty five thousand francs, being one fourth of the entire original cost. And I direct that my Executors hereinafter named, shall, after paying, in the first place, all legacy duty chargeable thereon, set apart out of my personal estate, and invest in their names in the Government stocks, funds, or securities of the East India Company, a sufficient sum to answer the following Annuities, which include those given by me by way of pension, in the year One thousand eight hundred and thirty-six, before leaving Sirdhana; that is to say,—One Annuity of Company's rupees fifty, to Ameer Alli Kham of Kootana. One Annuity of Company's rupees fifty, to Françoise Koine of Dehli. One Annuity of Company's rupees twenty, to Frederick Cardozo of Sirdhana. One Annuity of Company's rupees four, to Yacob Jan of Dehli. One Annuity of Company's rupees four, to Sheik Bussawun, Jemadar of Sirdhana. One Annuity of Company's rupees five, to Mathias De Lamotte of Dehli. One Annuity of Company's rupees five, to Emam Buksh, Fraush of Dehli. One Annuity of Company's rupees four, to Alif Khan,

Feelban of Sirdhana. One Annuity of Company's rupees five, to Kullender Buksh, Nukal of Sirdhana. One Annuity of Company's rupees four, to Muddara Sukka of Sirdhana. One Annuity of Company's rupees five, to Yadgar Khan, Subadar of Sirdhana. One Annuity of Company's rupees seven, to Rheem Khan, Subadar of Sirdhana. One Annuity of Company's rupees three, to Sahib Singh, Durzee of Sirdhana. One Annuity of Company's rupees three, to Rumzan Khan, Kidmutgar of Sirdhana. One Annuity of Company's rupees two and a half, to Poorungur Goshain of Sirdhana. One Annuity of Company's rupees fifteen, to the widow of Colonel Poethod of Sirdhana. One Annuity of Company's rupees fifty, to Sohagum Begum of Dehli, widow of John Thomas. One Annuity of Company's rupees ten, to Ladlie Begum of Dehli, daughter of Abool Hussum. One Annuity of Company's rupees twenty, to the rest of Abool Hussum's children of Dehli. One Annuity of Company's rupees thirty, to Mirza Alli Beig of Sirdhana. One Annuity of Company's rupees thirty, to Mussom Alli Beig of Dehli. One Annuity of Company's rupees four, to Mhomed Adul, Subadar of Sirdhana. One Annuity of Company's rupees twelve, to the wife of Musseeh Buksh of Dehli. One Annuity of Company's rupees four, to the widow of Alli Buksh of Sirdhana. Two Annuities of Company's rupees, seven and four, to two of Luttafut Alli Khan's relatives of Dehli. One Annuity of Company's rupees three, to the widow of Kulloo, Jemadar of Fraushes of Sirdhana. One Annuity of Company's rupees four, to Ruttum Singh, Chobedar of Sirdhana. One Annuity of Company's rupees four, to Gunga Sing, Jemadar of Sirdhana. One Annuity of Company's rupees four, to Pertaub Singh, writer of Sirdhana. One Annuity of Company's rupees two, to Buldaiva, Hircara of Sirdhana. One Annuity of Company's rupees thirty, to Moonshee Nursing Roi of Dehli. One Annuity of Company's rupees five, to Mhomed Azeen, Mistree of Dehli. One Annuity of Company's rupees three, to the Widow of Kajo Succa of Sirdhana. One Annuity of Company's rupees three, to Mama Sosum of Sirdhana. One Annuity of Company's rupees five, to the widow of Musseeta,

Kidmutgar of Dehli. One Annuity of Company's rupees two, to Sobha Singh, Hircara of Sirdhana. One Annuity of Company's rupees four, to Khoda Bux, Syce of Sirdhana. One Annuity of Company's rupees two hundred, to Hoosna Bae of Sirdhana. One Annuity of Company's rupees ten, to Adela of Sirdhana. One Annuity of Company's rupees four, to Maho, Bearer of Sirdhana. One Annuity of Company's rupees ten, to Sahib, Coolie of Sirdhana. One Annuity of Company's rupees ten, to Daibee, Coolie of Sirdhana. One Annuity of Company's rupees ten, to Zea Beig of Dehli. One Annuity of Company's rupees nine, to Bo Nurgis of Sirdhana. One Annuity of Company's rupees three, to Sobhan, Coolie of Sirdhana. One Annuity of Company's rupees three, to Pasquala daughter of Joze of Sirdhana. One Annuity of Company's rupees five, to Shubrung, widow of Ruzza, Coolie of Sirdhana. One Annuity of Company's rupees five, to Francisca widow of Sebastian of Sirdhana. One Annuity of Company's rupees seven, to Cœcelia of Sirdhana. One Annuity of Company's rupees seven, to Barbara Parker of Sirdhana. One Annuity of Company's rupees seven, to Sabahut of Dehli. One Annuity of Company's rupees seven, to Goomanie wife of Kullo Beig of Sirdhana. One Annuity of Company's rupees seven, to Rooplie of Sirdhana. One Annuity of Company's rupees seven, to Jhoonta of Sirdhana. One Annuity of Company's rupees fourteen, to Mhatab Bae of Sirdhana. One Annuity of Company's rupees eight, to Mumoola Bae of Sirdhana. One Annuity of Company's rupees eight, to Gyan Bae of Sirdhana. One Annuity of Company's rupees seven, to Sogam Bae of Sirdhana. One Annuity of Company's rupees eight, to Golundam Kullam of Sirdhana. One Annuity of Company's rupees eight, to Uttro of Sirdhana. One Annuity of Company's rupees seven, to Mooshkee of Sirdhana. One Annuity of Company's rupees five, to Faizun, widow of Kurran of Sirdhana. One Annuity of Company's rupees five, to Rozi widow of Joze of Sirdhana. Two Annuities of Company's rupees six, to two of the daughters of the said Kurran Khan of Sirdhana. One Annuity of Company's rupees five, to Margaret of Dehli. One Annuity of

Company's rupees ten, to Rheemun of Dehli. One Annuity of Company's rupees seven, to Sudda Bhar of Dehli. One Annuity of Company's rupees four, to Russ Bae of Meerut. One Annuity of Company's rupees four, to Hoosum Poorie of Dehli. One Annuity of Company's rupees four, to Nowbhar of Meerut. One Annuity of Company's rupees four, to Bhuboola of Dehli. One Annuity of Company's rupees four, to Gooman Bae of Dehli. One Annuity of Company's rupees seven, to Chand Bae of Dehli. One Annuity of Company's rupees four, to Goolundam Khooro of Dehli. One Annuity of Company's rupees five, to Uchpul of Dehli. One Annuity of Company's rupees fifteen, to Madaleine of Dehli for their respective lives ; and also any further or other Annuities which I may hereafter bequeath by any Codicil to this my Will. And do and shall out of the annual interest and dividends accruing due thereon, or on the stocks, funds, and securities, into which the same shall be converted, pay such annual sums as aforesaid to the several persons hereinbefore named, or to be named in any Codicil hereto, during their respective lives, by equal half yearly payments, on the days on which the interest of such Government funds or securities is usually payable ; the first of such half yearly payments, or a proportionate part thereof calculated from the last payment which may have been made to each annuitant or pensioner in my lifetime, being considered to accrue due on the first ordinary half yearly day of payment of such Government securities which shall happen next after my decease : and subject to the payment of such several Annuities, the sum so set apart shall fall into and become part of my residuary personal estate. And I direct that my said Executors do and shall out of my personal estate invest, in their names, in such stocks, funds, and securities as aforesaid, the sum of Company's rupees twenty thousand, and do and shall pay the interest and dividends from time to time accruing due thereon to Ann, the wife of John Rose Troup, now residing in London, during her life ; and do and shall after the decease of the said Ann Troup, in case she shall leave any issue her surviving, transfer and

make over such stocks, funds and securities to the person or persons, who under this my will shall become entitled to the Palace of Delhi hereinafter devised, or to the monies arising from the sale thereof; but in case she shall leave no issue her surviving, then such sum of Company's rupees twenty thousand shall fall into and become part of my residuary personal estate. And I direct that my said Executors do and shall in like manner invest, in their names, the sum of Company's rupees fifty thousand, and pay the interest and dividends thereon to Victoria Reghelini, wife of Major Anthony Reghelini of Sirdhana aforesaid, during her life; and after her decease, do and shall, in case she shall leave any issue her surviving, transfer and make over such stocks, funds, and securities to the person or persons who under this my Will shall become entitled to the Sirdhana Palace, called the Delkoosha, and the adjoining Bazaar hereinafter devised, or to the monies arising from the sale thereof; and in case she shall leave no issue her surviving, such sum of Company's rupees fifty thousand shall fall into and become part of my residuary personal estate. I give and bequeath to Major Anthony Reghelini of Sirdhana aforesaid, on condition of his surrendering the house in which he is now living for the purposes hereinafter mentioned, the sum of Company's rupees ten thousand. I give and bequeath to Regina, the wife of Pasqual Reghelini of Sirdhana aforesaid, the sum of Company's rupees five thousand. To Juliana, wife of Alexander Derridon of Allyghur, Company's rupees five thousand. To the eldest son of the said Pasqual Reghelini who shall be living at my decease, Company's rupees ten thousand. To Stephen Reghelini, the son of the said Major Reghelini, Company's rupees ten thousand. To Maria Juana Reghelini, the daughter of the said Major Reghelini, Company's rupees fifteen thousand. To Anna Maria Reghelini, the daughter of the said Major Reghelini, Company's rupees twenty thousand; and to Gregore, alias Futto, of Sirdhana aforesaid, Company's rupees ten thousand. To George Thomas, alias Jowruj Jung of Sirdhana aforesaid, Company's rupees thirty-six thousand. To the

wife of the said George Thomas, alias Jowruj Jung, the sum of Company's rupees fourteen thousand. To George Thomas, the son of Jacob Thomas of Sirdhana aforesaid, the sum of Company's rupees ten thousand. To Sohagum Begum, the wife of the late John Thomas of Sirdhana aforesaid, the sum of Company's rupees one thousand. To Juliana, the wife of John Peter Legois of Sirdhana aforesaid, the sum of Company's rupees seven thousand. To John Peter, John, Charles, François, and Joseph Legois, five of the sons of the late Captain Louis Legois of Sirdhana aforesaid, the sum of Company's rupees ten thousand each. And I give and bequeath to the Honourable Meliora Cotton, the daughter of Viscount Combermere, of Combermere Abbey, Cheshire, the sum of one thousand pounds sterling of British currency. To the two eldest daughters of Sir Richard and Lady Jenkins of the sum of five hundred pounds each. To Sir Charles Metcalfe Ochterlony

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the sum of two thousand pounds. To the eldest son of the late Colonel Thomas David Steuart, the sum of two thousand pounds. I give and bequeath to each of the twenty-four Directors of the Honourable East India Company at the time of my decease, and also to the six Directors who shall then be out of office by rotation, the sum of one thousand pounds each, for their own personal and individual use and benefit: and I declare that such sum is intended by me to be in addition to the annual sums hereinafter given by me to the Chairman and Deputy Chairman respectively of the Board of Directors. I give and bequeath the sum of Company's rupees ten thousand, to Joseph Skinner of Dehli aforesaid. I give and bequeath the sum of five thousand pounds to each of my three Executors hereinafter named, that is to say, to the Honourable Mountstuart Elphinstone, Henry Thoby Prinsep, now residing at Hyde Park Gardens in the County of Middlesex, and Sir Henry M. Elliott, K. C. B. all of the Bengal Civil Service, in case they shall within one year from the time of my decease take probate of this my Will. I give and bequeath all the jewels, trinkets, and ornaments of the person belonging to me,

and now in the possession of my wife, with the exception of the Star given to me by Her late Highness the Begum, having her picture set in the centre, and which jewels, trinkets, and ornaments I value at seven thousand pounds, to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, to be equally divided between and amongst them, after the decease or other determination of the interest to which my present wife is entitled therein. And I give and bequeath such Star, valued by me at five hundred pounds, to Virginia Pattle, daughter of the late William Pattle Esquire. I give and devise to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott their heirs, executors, administrators, and assigns, the large house or palace of Delhi, situate in the Town of Delhi, and the premises adjoining (with the exception of the two Kutras or square buildings adjoining the before mentioned ground), and all and singular the appurtenances whatsoever to the said palace or house and premises appertaining or belonging, or commonly used or enjoyed therewith, to the uses, and upon the trusts, and with, under, and subject to the powers, provisoes, and declarations hereinafter contained, (that is to say):—To the use of the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators, and assigns, during the life of the said Ann Troup, upon trust to permit the said Ann Troup and her assigns to use and enjoy the same, or to receive and take the rents, issues and profits arising therefrom, for her life; and after her decease to the use of the first, second, and all and every other son and sons of the said Ann Troup, severally, successively, and in remainder, one after another, as they shall successively be in priority of birth, and of the several and respective heirs male of the body and bodies of all and every such son and sons; the elder of such sons and the heirs male of his body being always to be preferred and to take before the younger of such sons and the heirs male of his and their body and respective bodies. And for default of such issue, upon trust absolutely to sell and dispose of the said

last mentioned house or palace of Delhi and premises, either together, or in lots, by public auction or private contract, in such manner and upon such conditions as to the trustee or trustees for the time being of this my will shall seem proper, for the best price in money that can be reasonably had or obtained for the same, and to execute all proper and necessary conveyances and assurances thereof. And I direct that my said trustees or trustee shall stand possessed of the monies arising from such sale, after payment of all costs, charges and expences attendant thereon or incident thereto, upon trust to divide the same into as many parts or shares as the said Ann Troup shall have left daughters, or female issue of different deceased children, her surviving, but so that the issue of each deceased child shall not be entitled rateably with the daughters of the said Ann Troup, share and share alike, but shall only be considered as entitled to one share between or among such issue; and upon trust to stand possessed of one of such shares for the benefit of each of such daughters of the said Ann Troup absolutely, and of one of such shares for the benefit of the issue of each deceased child of the said Ann Troup, such share to be equally divided between such issue if more than one; and if there shall be but one daughter, or the issue of only one deceased child, who shall survive the said Ann Troup, then the whole of the said trust monies shall be in trust for such only daughter, or such issue of a deceased child, as the case may be: and in case the said Ann Troup shall leave no issue her surviving, then the said last mentioned hereditaments and premises shall fall into my residuary estate. And I give and devise to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators, and assigns, the Sirdhana Palace, called the Delkooska, and the adjoining Bazaar or Market just outside of the Gate in the Town of Sirdhana aforesaid, called Daiba Gunge, with all and singular the appurtenances thereto belonging, or therewith usually held or enjoyed, to the uses, and upon the trusts, and with, under, and subject to the powers, provisoes, and declarations hereinafter declared and contained of and concerning the same,

that is to say ; To the use of the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators, and assigns, during the life of the said Victoria Reghelini, upon trust to pay unto or permit the said Victoria Reghelini and her assigns to receive and enjoy the rents, issues, and profits thereof for her life ; and after her decease, to the use of the first, second, and all and every other son and sons of the said Victoria Reghelini, severally, successively, and in remainder, one after another as they shall successively be in priority of birth, and of the several and respective heirs male of the body and bodies of all and every such son and sons, the elder of such sons and the heirs male of his body being always to be preferred and to take before the younger of such sons and the heirs male of his and their body and respective bodies ; and for default of such issue, upon trust absolutely to sell and dispose thereof, in such manner, at such time, and with such powers in all respects, as hereinbefore specified with respect to the property lastly hereinbefore devised, and stand possessed of the net proceeds arising from such sale, upon trust to divide the same into as many shares or parts as the said Victoria Reghelini shall have left daughters, or female issue of different deceased children, her surviving, but so that the issue of each deceased child shall not be entitled rateably with the daughters of the said Victoria Reghelini, share and share alike, but shall be considered entitled to one share only between or among such issue ; and upon trust to stand possessed of one of such shares for the benefit of each of such daughters of the said Victoria Reghelini, and of one of such shares for the benefit of the issue of each deceased child of the said Victoria Reghelini, such share to be equally divided between such issue if more than one ; and in case there shall be but one daughter, or the issue of only one deceased child, who shall survive the said Victoria Reghelini, then the whole of the said trust monies shall be in trust for such only daughter, or such issue of a deceased daughter, as the case may be ; and if the said Victoria Reghelini shall leave no issue her surviving, then the said last mentioned hereditaments and premises shall fall into

and become part of my residuary estate. I give and devise to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators and assigns, the Khirwa Bungalow, to the uses, upon the trusts, and with, under, and subject to the powers, provisoes, and declarations hereinafter contained, that is to say; to the use of the said Anthony Reghelini during his life, on condition nevertheless that he shall convey or assure to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators and assigns, the house in Sirdhana wherein he now lives, and I direct that such house and premises, when so conveyed and assured to them, shall be held by my trustees or trustee for the time being, upon trust to permit such house to be used during the lives of the Khadiman Mhal, and the survivors and survivor of them, for their residence, without receiving any rent or remuneration for the same: and after the decease of the Khadiman Mhal, and the survivor of them, the said house and premises shall be conveyed and assigned by the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, to the uses, and upon the trusts hereinafter declared of and concerning the same; and after the decease of the said Anthony Reghelini, the said Kbirwa Bungalow and premises shall remain and be to the use of Stephen Reghelini, now the only surviving son of the said Anthony Reghelini, his heirs, executors, administrators and assigns. I give and devise to the said Gregore, alias Futto, and his assigns, the Gunge or Market at Sirdhana, with the premises and appurtenances thereto belonging, or therewith commonly held, occupied or enjoyed, for his natural life: and from and after his decease, I give and devise the same to Dabie Coolie of Sirdhana aforesaid, for his natural life: and after his decease, I give and devise the same to all and every the child and children of the said Dabie Coolie who shall survive him, equally to be divided between or among them, if more than one, as tenants in common in fee, and if but one, then the whole to such one child, his or her heirs and assigns. I direct that the Roman Catholic Missionaries who now occupy the late Colonel Dyce's house at

Sirdhana, in the Old Chowrie of Sirdhana, shall resign and surrender, and, if required so to do by my said Executors, convey and assure such house and premises to the uses and upon the trusts in this my will declared: and on condition and in consideration of their so doing, I give and bequeath to the Roman Catholic Bishop for the time being of such Mission the sum of Company's rupees fourteen thousand, for the general purposes of the Mission. And I direct that the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, shall set apart, in lieu of such last mentioned house, for the use of such Missionaries, the house in the Old Chowrie which was built by Her late Highness the Begum Sombre for Bhow Begum, and which is now occupied by the family of the late Begum's Khadiman Mahl, and shall, subject to such condition as aforesaid, convey and assign such last mentioned house and premises to such uses and upon such trusts for the benefit of the said Mission, as the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, shall direct or appoint. I direct that the house hereinbefore mentioned, lately occupied by Colonel Dyce, with the hereditaments and premises thereto belonging, when conveyed and assured to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs and assigns, as hereinbefore directed, and also that the whole of the Old Chowrie of Sirdhana (except the house and premises hereinbefore excepted and directed to be set apart for, and conveyed in trust for the purpose of the Roman Catholic Mission, as aforesaid), and all and singular the pieces or parcels of land, messuages, or tenements, hereditaments and premises thereto belonging or appertaining, or therewith commonly held, used, and enjoyed, shall go, remain, and be to the uses, upon the trusts, and with, under and subject to the powers, provisoes, and declarations hereinafter declared and contained of and concerning the same, that is to say; to the use of the said George Thomas, son of the late Jacob Thomas, during his life; and after his decease, in case he shall leave any son him surviving, to the use of such son, or the eldest of such sons, if more

than one, his heirs, executors, administrators and assigns absolutely; but in case the said George Thomas shall leave no son him surviving, then and in such case the same shall be held by my said trustees, upon trust absolutely to sell and dispose thereof in such manner and with such powers in all respects as hereinbefore specified with respect to the Palace of Delhi and the Sirdhana Palace hereinbefore devised. And I direct that my said trustees or trustee for the time being shall stand possessed of the monies arising from such sale, after payment thereof of all costs charges and expences attendant thereon or incident thereto, upon trust to divide the same into as many parts or shares as the said George Thomas shall have left daughters, or issue of different deceased children, him surviving; but so that the issue of each deceased child shall not be entitled rateably with the daughters of the said George Thomas, share and share alike, but shall only be considered as entitled to one share between or among such issue: and upon trust to stand possessed of one of such shares for the benefit of each of such daughters of the said George Thomas absolutely, and of one of such shares for the benefit of the issue of each deceased child of the said George Thomas, such share to be equally divided between such issue, if more than one; and if there shall be but one daughter, or the issue of only one deceased child, who shall survive the said George Thomas, then the whole of the said last mentioned trust monies shall be in trust for such only daughter, or such issue of a deceased child, as the case may be. And if the said George Thomas shall leave no issue him surviving, then the house hereinbefore mentioned, with the appurtenances, lately occupied by Colonel Dyce, but not the Old Chowrie, shall go, remain and be to the use of George Thomas, half brother of the said late John Thomas, for his natural life, and after his decease, to the use of all and every the children of the said George Thomas, half brother of the said late John Thomas, their heirs, executors, administrators and assigns, to be equally divided between them, share and share alike. But in case the said George Thomas, half brother of the said

late John Thomas, shall leave no child or children him surviving, then it is my Will that the said house and premises shall go, remain, and be, to the use of, and to be equally divided between and amongst, all and every the child and children of the said John Peter Legois, who shall be living at the decease of the said George Thomas, half brother of the said late John Thomas, their heirs, executors, administrators and assigns. And in the event of such failure of issue as aforesaid, I give and devise the said Old Chowrie with the appurtenances to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs and assigns, in trust for the benefit of the said Roman Catholic Missionaries, and in trust to convey and assure the same to such uses, and in such manner, as the proper Ecclesiastical Authorities of such Mission shall direct or appoint. I give and devise the Market, the Gardens, and all other the premises of which I may be seized or possessed at the time of my decease, situate at Agra in the East Indies, with all and singular the rights, members, and appurtenances thereto belonging, or therewith commonly held or enjoyed, unto the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators and assigns, upon trust absolutely to sell the same in the manner and with the powers hereinbefore mentioned, and to stand possessed of the proceeds of such sale, in trust to divide the same equally between and amongst all the children of Abool Hussan Beig, living at the time of my decease, share and share alike. I give and devise the Parade Ground, usually known as Cheik Mulloo's Parade Ground, with all and singular the rights, members, and appurtenances thereto belonging, or therewith commonly held or enjoyed, to Zea Beig of Sirdhana aforesaid, his heirs, executors, administrators and assigns: and in case of the death of the said Zea Beig in my lifetime, I give and devise the said last mentioned hereditaments and premises to the two sons of the said Zea Beig, their heirs and assigns, as joint tenants, and not as tenants in common. I give and devise the piece of ground called Andhairya Bugh, on the

road from Khirwa to Sirdhana, with all and singular the rights, members, and appurtenances thereto belonging, or therewith usually held or enjoyed, to Sahib Coolie, his heirs, executors, administrators and assigns: and in case of the death of the said Sahib Coolie in my lifetime, I give and devise the said piece of ground, hereditaments and premises to the eldest son of the said Sahib Coolie, his heirs, executors administrators and assigns. I give and devise the piece or parcel of ground and premises situate in Sirdhana, commonly known as the Bagur ground, with all and singular the rights and appurtenances thereto belonging, or therewith usually held or enjoyed, to Dabid Coolie, his heirs, executors, administrators and assigns: and in case of the decease of the said Dabid Coolie in my lifetime, I give and devise the said ground and premises to the eldest son of the said Dabid Coolie, his heirs, executors, administrators and assigns. I give and devise the large Kutra or square building situate in the town of Delhi, and adjoining the Palace of Delhi hereinbefore devised, and the appurtenances thereto belonging, to Mhatab Singh of Delhi, son of Moonshee Kan Singh, his heirs, executors, administrators and assigns: and in case of the death of the said Mhatab Singh in my lifetime, I give and devise the same to the eldest son of the said Mhatab Singh, his heirs, executors, administrators and assigns. I give and devise the small Kutra or square building, also adjoining to the said Palace of Delhi, with the appurtenances, to Gobind Singh of Delhi, son of Moonshee Omaid Singh, his heirs, executors, administrators and assigns: and in case of the death of the said Gobind Singh in my lifetime, I give and devise the same to the eldest son of the said Gobind Singh, his heirs, executors, administrators and assigns. And I hereby authorize and empower the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, and the survivors and survivor of them, and the executors, administrators and assigns of such survivor, or other the trustees or trustee for the time being of this my will, from time to time, at their or his discretion, to alter, vary, and transpose the sums of money hereinbefore directed to be invested by them for the several

purposes aforesaid, for or into other stocks, funds, or securities in their or his names or name, being either the parliamentary or public funds of Great Britain, or Government stocks, funds, or securities of the East India Company, as there shall be occasion. And I direct that my said trustees or trustee for the time being shall stand possessed of such stocks, funds and securities, and of the dividends and interest thereof, upon the same trusts as hereinbefore declared with respect to the original stocks, funds, and securities, and the dividends and interest to arise therefrom. And I declare that all legacies and sums of money hereinbefore given to or directed to be invested for the benefit of any woman who shall be married at the time of my decease, and all rents, issues, profits, dividends and interest given or directed to be paid to any such married woman, are intended by me to be for the sole and separate use of such married women, independently of their respective husbands, and so as not to be subject to their respective interference, control, or engagements; and I declare that the receipt of such married women shall, notwithstanding their coverture, be a good discharge for the monies hereby made payable to them in manner aforesaid. I give and devise to the United Company of Merchants of England trading to the East Indies, and their successors, commonly called The East India Company, the old palace of Sirdhana called The Mhal, and all the enclosure called the New Chowrie, with the messuages or buildings and pieces or parcels of ground thereto belonging, and also the house which is to be made over by Major Anthony Reghelini, with all the rights, members, and appurtenances thereto respectively belonging, and therewith commonly held, occupied and enjoyed, for the purposes hereinafter mentioned. And as to all the rest, residue, and remainder of my real estate, either in Great Britain, the East Indies, or elsewhere, of or to which I, or any person or persons in trust for me, am is or are seized or entitled, in possession, reversion, remainder, or expectancy, or which in exercise of any power I am enabled to appoint by this my will, the greater part of such property being situate in Calcutta, Sirdhana, Meerut, Dehli, Agra, and Bhurtpore; and also as to all the rest and

residue of my personal estate and effects of what nature or kind soever, and such personal estate and effects as by virtue of any power I am or shall be enabled to dispose of by this my will, (except such real and personal estate and effects as are or may be vested in me upon any trusts, or by way of mortgage) I give, devise, and bequeath the same unto and to the use of the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors administrators and assigns, according to the nature and quality thereof respectively, upon trust that they the said trustees, and the survivors and survivor of them, and the heirs, executors and administrators and assigns of such survivor, do and shall with all convenient speed after my decease sell, dispose of, call in, and convert into money all the said residuary personal estate and effects, (except such part thereof as shall consist of ready money) and leasehold lands and tenements, and also do and shall with all convenient speed absolutely sell and dispose of all the said residuary real estate, and so much of the said residuary personal estate and effects as shall consist of leasehold lands and tenements, either together or in lots, by public auction or private contract, to any person or persons willing to purchase the same, for such price or prices, and on such terms and conditions in all respects, as to the said trustees or trustee for the time being shall seem reasonable, and for promoting and facilitating such sale or sales, do and shall enter into, make and execute, all such contracts, conveyances, surrenders, assurances, acts and deeds, as the said trustees or trustee for the time being shall think proper. And I do hereby further declare that the said trustees or trustee for the time being shall stand and be possessed of such part of the said residuary personal estate and effects as shall consist of ready money, and of the monies to arise from such part of the said residuary personal estate and effects, as I have hereinbefore directed to be sold, disposed of, called in, and converted into money, and also of the monies to arise from the sale of the real estate and premises hereinbefore directed to be sold, upon trust that they or he, the said trustees or trustee for the time being, do and shall with and out of the said monies pay satisfy and discharge the funeral and testamentary

expences hereinbefore directed to be incurred, and the several pecuniary legacies given by this my will, or to be given by any codicil or codicils hereto, and do and shall out of such monies invest the sum of Company's rupees one hundred and twenty-five thousand in Government stocks, funds, or securities of the East India Company, in the names of them the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, and alter, vary, and transpose the said stocks, funds, and securities for or into other stocks, funds, and securities of a like nature, as there shall be occasion. And I declare that the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their executors, administrators and assigns, shall stand possessed of the stocks, funds and securities arising from the investment of the said sum of Company's rupees one hundred and twenty-five thousand, upon trust to apply the dividends, interest, and annual produce thereof from time to time, at the sole discretion of such trustees or trustee for the time being, for the support and benefit of the blind, lame, or indigent Inhabitants of Sirdhana and its neighbourhood, without any distinction of caste or religion; such relief to be administered at such times, and in such manner, and to such persons from time to time, as to the said trustees or trustee for the time being shall seem expedient. And I direct that the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their executors, administrators and assigns, or other my trustees or trustee for the time being, do and shall pay over the clear residue remaining, after answering the purposes aforesaid, to the said United Company of Merchants of England trading to the East Indies, and their successors, commonly called The East India Company, to be applied by them for the purposes hereinafter mentioned. And I declare that either the receipt of the said Company, signed with the seal thereof, or the receipt of the Chairman and Deputy Chairman for the time being of the said East India Company, shall be a good and sufficient discharge to the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, the

survivors and survivor of them, for the monies so directed to be paid to the East India Company as aforesaid, and that they shall not be responsible, after such receipt, for the misapplication or nonapplication of the monies by this my Will bequeathed for the purposes hereinafter mentioned, or in anywise concerned to see to the application thereof. And I further declare that, notwithstanding the trust for sale and conversion aforesaid, it shall be lawful for the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators, and assigns, either to defer for a reasonable time, or altogether to abandon and not to carry into effect such trust for sale and conversion, as to the whole or any part of my residuary real or personal estate so devised and bequeathed to them as aforesaid, as to which it shall be thought expedient that the same should remain in its existing estate: and in such case I direct that such real or personal estate so remaining unconverted shall be conveyed and assigned by the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators and assigns, to the said United Company of Merchants of England trading to the East Indies, and their successors, and the rents, issues, dividends, income and produce arising therefrom, until such sale and conversion, shall go and be paid to such Company and their successors, with full power to the Chairman and Deputy Chairman thereof for the time being to give receipts for the same in manner aforesaid. And my will and desire is, that out of the monies so directed to be paid to the said Company and their successors there shall be set apart and invested, in the first place, in such manner and upon such securities as to the Directors of the East India Company for the time being shall seem fit, a sum sufficient to produce the annual income of two thousand five hundred pounds sterling, and that the annual sum of one thousand pounds, part thereof, shall be paid by two equal half yearly payments in each year to the President of the Board of Control for the time being, and that the further annual sum of one thousand pounds, part thereof, shall be paid to the Chairman for the time being of the

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Board of Directors of the East India Company, by like equal half yearly payments, and that the remaining annual sum of five hundred pounds, part thereof, shall be paid to the Deputy Chairman for the time being of the said Board of Directors, by like equal half yearly payments, the first of each of such payments to be made six months after my decease. And in case either of the three above mentioned persons shall decline to receive the same, or the said three several yearly sums of one thousand pounds, one thousand pounds, and five hundred pounds, or any of them, shall from any cause become inapplicable or undisposed of for the purposes of such annuities, I direct that the said annual sums arising from the funds so set apart shall thereupon become applicable for the time being, and from time to time, so long as they shall remain undisposed of, for the purposes next hereinafter mentioned with regard to the bulk of my residuary estate. And my will and desire is, that the said Old Palace of Sirdhana, called the Mhal, so devised to the East India Company as aforesaid, and the whole of the monies so directed to be paid to the East India Company as aforesaid, and the real and personal estate and effects, if any, which shall be so conveyed and assigned as aforesaid, and the rents, issues, dividends, income and produce of such real and personal estate, shall, subject as hereinbefore is mentioned, be applied for the endowment and establishment in the said Palace of Sirdhana and house so to be made over as aforesaid, of an institution to be called "The Sombre College;" the object of which institution shall be, to provide for the education of the higher classes of the natives of India, without any distinction of Religion, and to qualify them for holding public and other situations of trust, no person being admitted to the benefit thereof at an earlier age than seven years, nor at a later age than twelve years old. And I direct that every question relating to the establishment and management, or otherwise relating to the said College, or the funds hereby bequeathed for the purpose aforesaid, shall be decided by the votes of the Directors for the time being of the East India Company, or the majority of them, according to the

usual practice of the said Board in other matters, with the approval of the President of the Board of Control for the time being. And my will further is, that if any person, or the husband or wife of any person, taking any benefit under this my will, or any person or persons in his, her, their, or any of their name and names, or upon his, her, their, or any of their behalf, shall dispute this my will, or my competency to make the same, or shall refuse to confirm this my will so far as he or she can, when required by my Executors or either of them so to do, or if they or any of them, or any person or persons in the name or on behalf of them or any of them, shall lodge any caveat against proving the same, and shall refuse or neglect to withdraw or cause to be withdrawn such caveat for ten days after request made by my Executors or either of them to that effect, or if any proceedings whatsoever, shall at any time be had or taken by any other person or persons whomsoever, not claiming under this my will, by any possible result of which any estate or interest could be in any way attainable by any person taking any benefit under this my will, of larger extent or value than is intended for him or her by this my will, and such proceedings shall not be formally disavowed, stayed, or resisted by such person, to the full extent of his or her ability to do so, then I revoke every devise, gift, legacy and bequest in this my will contained to the use of, or in trust for, or for the benefit of such person or persons so disputing or refusing to confirm this my will, or so acting as aforesaid ; and I direct that such devises, gifts, legacies, and bequests, shall fall into and become part of my residuary estate. And I declare that it shall be lawful for the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, their heirs, executors, administrators, and assigns, from time to time and at all times during the minority of any person who, by virtue of the limitations of this my will, shall be entitled to any estate in possession of and in any part of the estates hereby devised or bequeathed as aforesaid, and also for the said several devisees and legatees in this my will named, as and when, by virtue of the limitations aforesaid, they shall respectively be in pos-

session or entitled to the receipt of the rents and profits of the several estates and hereditaments respectively devised or bequeathed to or in trust for them as aforesaid, by any deed or instrument in writing, either referring or not referring to this present power, to be sealed and delivered by them, him, or her respectively in the presence of and attested by two or more credible witnesses, to limit or appoint by way of demise or lease all or any part or parts of the said estates, hereditaments, and premises hereby devised or bequeathed to or in trust for them him or her respectively, with their appurtenances, to any person or persons, for any term or number of years absolute, not exceeding ninety-nine years, if the same be for the erection of any building thereon, and either with or without any land to be used or held therewith, and to demise or lease any part thereof for any term of years absolute, not exceeding twenty one years, for any other purpose than that of building, so that every such lease be made to take effect in possession, and not in reversion, or by way of future interest, and so that there be reserved in every such limitation or appointment by way of demise or lease, payable during the estate or use thereby created, the best or most improved yearly rent or rents, to be incident to the reversion of the hereditaments so to be limited or appointed by way of demise or lease, that can or may be reasonably had or obtained for the same, without taking any fine, premium, or foregift, or anything in the nature of a fine, premium, or foregift, for the making thereof, and so that there be therein respectively contained a clause in the nature of a condition of re-entry for the non-payment of the rent or rents thereby to be respectively reserved, in case the same shall remain unpaid for any space not exceeding thirty days, and so that the person or persons named therein as Lessee or Lessees do execute a counterpart or counterparts thereof respectively, and do thereby covenant for the due payment of the rent or rents thereby to be respectively reserved, and be not by any clause or words therein to be contained made dispunishable for waste, or exempted from punishment for committing waste, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

And I hereby expressly authorize and empower the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, and the survivors and survivor of them, their executors, administrators and assigns, and also the trustees for the time being of this my will, to pay any sums of money claimed as being due from me or from my estate at the time of my decease to any person, if they shall think proper so to do, although such debt or claim may not be established by legal evidence: and I also authorize and empower them, if they shall think fit so to do, to make arrangements for permitting any sum due to me at my decease to remain outstanding on the security on which the same shall then be owing, and also to refer to arbitration, or settle and compound, at their discretion, any doubtful questions or disputes which may occur in getting in my outstanding estate and effects, or in administering the trusts of this my will, without incurring any personal liability for so doing, anything hereinbefore contained to the contrary notwithstanding. And I declare that the receipt or receipts in writing of the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, or the survivor of them, or the executors or administrators of such survivor, or of the trustees or trustee for the time being acting in the execution of the trusts hereby created, for any money payable to them or him under or by virtue of this my will, either in respect of the purchase money of property hereinbefore directed to be sold, or otherwise howsoever, shall be a good and sufficient discharge or discharges for the same, and that the person or persons to whom such receipt or receipts shall be given shall not be answerable or accountable for the loss, misapplication, or nonapplication, or be in anywise bound or concerned to see to the application of the money in such receipt or receipts respectively acknowledged to be received, or to enquire into the necessity or regularity of any sale or sales which may be made by virtue of the directions in this my will contained. And as often as the first or subsequent trustees of this my will, or any of them, or their, or any of their heirs, executors, administrators, or assigns shall die, or desire to be discharged from, or refuse, or decline, or become incapable to act in the trusts

hereby in them respectively reposed as aforesaid, before the said trusts shall be fully executed, then and so often as the same shall happen, it shall and may be lawful to and for the then surviving or continuing trustees or trustee, or the executors or administrators of the last surviving or continuing trustee, or in case there shall be no such trustee, executor, or administrator, willing and able so to do, then for the Chairman of the East India Company for the time being, by any deed or deeds, instrument or instruments in writing, to be by them, him, or her, sealed and delivered in the presence of and attested by two or more credible witnesses, from time to time to nominate or appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying, or desiring to be discharged, or refusing, or declining, or becoming incapable to act as aforesaid; and as often as any new trustee shall be nominated and appointed as aforesaid, all the trust estates monies and premises, the trustee or trustees whereof shall so die, or desire to be discharged, or refuse, or decline, or become incapable to act as aforesaid, or such of the said trust estates, monies, and premises as shall then be subject to the trusts aforesaid, shall be thereupon with all convenient speed conveyed assigned and transferred, in such manner and so as that the same shall and may be legally and effectually vested in the person or persons so to be appointed as aforesaid, either solely, or jointly with the surviving or continuing trustees or trustee, as occasion shall require, to the uses, upon and for the trusts, intents, and purposes hereinbefore declared and contained of and concerning the said trust estates, monies and premises, or such of the said uses, trusts, intents, and purposes as shall be then subsisting, undetermined, and capable of taking effect; and every person so to be appointed as aforesaid, shall have all the powers and authorities of the trustee in whose room he shall be substituted. Provided always, and I declare that the said trustees hereby appointed, and to be appointed as aforesaid, and each and every of them, and the heirs, executors, administrators and assigns of them and each and every of them, shall be chargeable respectively for such monies only as they

respectively shall actually receive by virtue of the trusts hereby in them reposed, notwithstanding their or any of their giving or signing, or joining in giving or signing, any receipt or receipts, for the sake of conformity ; and any one or more of them shall not be answerable or accountable for the other or others of them, or for involuntary losses. And I empower them, with and out of the monies which shall come to their respective hands by virtue of the trusts aforesaid, to retain to and reimburse themselves respectively, and also to allow to their respective co-trustees or co-trustee, all costs, charges, damages and expenses, which they or any of them shall or may suffer, sustain, expend, disburse, be at, or put unto in or about the execution of the trusts of this my will, or in relation thereto. And I appoint the said Mountstuart Elphinstone, Henry Thoby Prinsep, and Sir Henry M. Elliott, Executors of this my will. IN WITNESS whereof I the said David Ochterlony Dyce Sombre have to this my last Will and Testament, and to a duplicate thereof, each contained in twenty-three sheets of paper, set my hand and seal the twenty-fifth day of June, One thousand eight hundred and forty-nine.

Signed, Sealed, Published, and Declared
by the said Testator as his last Will and
Testament in the presence of us, present
at the same time, who, at his request, in
his presence, and in the presence of each
other, have subscribed our names as
witnesses.

D. O. DYCE SOMBRE.

L. S.

D. MAC CARTHY, M. D. Ph. to the Brit. Embassy,
14, R. Castellane, Paris.

CHARLES SHRIMPTON, M. D.
17 Rue d'Anjou St. Honoré, Paris.

J. F. OLLIFFE, M. D.
2 Rue St. Florentin, Paris.

This is a Codicil to the Will of me, **David Ochterlony Dyce Sombre**, bearing date the twenty-fifth day of June, one thousand eight hundred and forty-nine. Whereas under or by virtue of a certain Deed bearing date in the year one thousand eight hundred and thirty-seven, it was declared that the sum of Company's rupees one hundred and thirty thousand, therein mentioned to have been immediately before the date thereof paid by me to Lieutenant Colonel William Henry Sherman and Doctor Thomas Drever, should be held by them upon the trusts therein particularly mentioned for the benefit of Ann Troup in my will described, during her life, and after her decease for the benefit of her children, if she shall leave any her surviving, but if not, then upon trust to transfer the said trust funds into my own name, or otherwise stand possessed thereof, for my own absolute benefit. And whereas by another deed bearing date in the same year, it was declared that the sum of Company's rupees one hundred thousand, therein also mentioned to have been paid by me to the said William Henry Sherman and Thomas Drever, should be held by them upon the same or the like trusts, for the benefit of Georgiana Solaroli therein described, and after her decease for the benefit of her children, if she should leave any her surviving, but if not, then upon trust to transfer the said trust funds into my own name, or otherwise stand possessed thereof for my own absolute benefit. And whereas under and by virtue of the marriage settlement executed upon my marriage with my present wife, then Mary Ann Jervis, and which marriage settlement bears date the eighth day of September, one thousand eight hundred and forty, I am entitled, subject as therein is mentioned, and particularly subject to the life interest of my said wife, to certain large sums of money then invested in Government funds at the Bank of England, and also to certain Railway shares, and other monies

* Whose
names are
Lord Com-
bermere,
Lord Low-
ther (the
present
Lord Lons-
dale) Mr.
Thos. Fitz-
herbert of
Stone Staf-
fordshire,
Dr. T.
Drever, late
of the Ben-
gal Army,
the Honble.
E. S. Jervis
and Mr. J.
H. Parker.
D. O. D. S.

therein also mentioned to have been transferred into the names of the trustees * thereof, or to the stocks, funds and securities into or upon which the same may from time to time be converted or invested: Now, therefore, I hereby declare that from and after my decease the said several trust funds and premises hereinbefore mentioned, or the stocks, funds and securities into or upon which the same shall be converted and invested, shall from and after my decease, but subject to the trusts to which the same are respectively liable, fall into and become part of my residuary personal estate, and shall be paid and transferred by the trustees thereof respectively to the trustees in my said will named, upon and for the trusts intents and purposes in my said will mentioned. And I hereby confirm my said will in all respects. IN WITNESS whereof I have hereunto, and to a duplicate hereof, set my hand this thirteenth day of August, in the year of our Lord one thousand eight hundred and forty-nine.

Signed by the said David Ochterlony Dyce Sombre, as and for a Codicil to his last Will and Testament, in the presence of us, present at the same time, who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names as Witnesses.

D. O. DYCE SOMBRE.

L. S.

August the thirteenth, 1849.

CHARLES SHRIMPTON, M. D., Rue d'Anjou St. Honoré 17, Paris.

GEORGE G. SIGMOND, M.D., Royal College of Physicians of London,
32, Rue de la Paix, Paris.

D. MAC CARTHY, M. D., Physician to the British Embassy,
Paris.

Rue Castellane No. 14.



